

1                    COMMUNITY ZONING APPEALS BOARD - 8  
2                    HENRY REEVES ELEMENTARY SCHOOL - AUDITORIUM  
3                    2005 NW 111 Street, Miami  
4                    Wednesday, February 5, 2003 at 7:00 p.m.

5  
6                    ITEM:

7                    S & D DEVELOPMENT, INC.  
8                    (02-265)

9  
10                   Members of Council  
11                   Present

12                   Billy Hester, Chairperson  
13                   Bertha M. Carswell  
14                   Arthemon Johnson  
15                   Fredericke Alan Morley  
16                   Kerly Cileli

17                   COUNTY ATTORNEY'S OFFICE

18                   Kenneth Drucker, Assistant County Attorney

19  
20                   STAFF

21                   Terry Rolle, Zoning Evaluator  
22                   Robert Coleman, Zoning Hearing Specialist  
23                   Public Works

24                   ON BEHALF OF THE APPLICANT

25                   Jerry Proctor, Esq.

I N D E XSPEAKERS & PAGE NUMBERS

CHAIRMAN HESTER: 3-8.

COUNCILWOMAN CARSWELL: 3, 4, 7.

COUNCILMAN JOHNSON: 4-7.

COUNCILWOMAN BEACHAM: 4, 7.

COUNCILWOMAN CILELI: 4, 7.

COUNCILMAN MORLEY: 5-7.

STAFF

MR. DRUCKER: 3-8.

MR. COLEMAN: 6.

SPEAKER

Mr. Harmon: 4.

1 CHAIRMAN HESTER: Calling the meeting  
2 to order tonight, Henry Reeves Elementary  
3 School. What's the address?

4 COUNCILWOMAN CARSWELL: 2005 NW 111  
5 Street.

6 CHAIRMAN HESTER: Okay. Call the  
7 meeting to order tonight.

8 MR. DRUCKER: Mr. Chairman, this is a  
9 special meeting given with two days  
10 notice. Basically, the last time we were  
11 here, we had an application, S & D Land  
12 Development, Inc. There was a motion to  
13 approve the application and that motion  
14 failed.

15 Procedurally, what should have  
16 occurred is, after that motion failed,  
17 there should have been a motion to deny the  
18 application, see if somebody second it and  
19 a vote. That's what we should have done.  
20 We did not do that.

21 And the sole reason to meet today is  
22 to see if someone wanted to make a motion  
23 to deny the application, see if, in fact,  
24 there's a second and take a vote.

25 Before we do that, we should have roll

1 called to see -- to make sure that we have  
2 a quorum, and that the county attorney is  
3 here and note that the court reporter is  
4 here.

5 CHAIRMAN HESTER: Court reporter is  
6 here.

7 MR. DRUCKER: There is no need, I  
8 believe, to do anything else aside from  
9 that. Mr. Proctor, who represents the  
10 applicant, is here as well.

11 COUNCILMAN JOHNSON: Call the roll.

12 CHAIRMAN HESTER: Okay.

13 MR. HARMON: I'm Mr. Harmon. I  
14 represent the community.

15 MR. DRUCKER: Okay, that's fine. No,  
16 and I'm glad you're here, sir.

17 You want to call the roll.

18 CHAIRMAN HESTER: Yes, go ahead and  
19 call the roll.

20 THE CLERK: Ms. Beacham?

21 COUNCILWOMAN BEACHAM: Here.

22 THE CLERK: Ms. Carswell?

23 COUNCILWOMAN CARSWELL: Here.

24 THE CLERK: Ms. Cileli?

25 COUNCILWOMAN CILELI: Here.

1 THE CLERK: Mr. Johnson?

2 COUNCILMAN JOHNSON: Here.

3 THE CLERK: Mr. Morley?

4 COUNCILMAN MORLEY: Here.

5 THE CLERK: Ms. Rudolph?

6 Mr. Hester?

7 CHAIRMAN HESTER: Present.

8 THE CLERK: We have a quorum.

9 MR. DRUCKER: Okay, so you  
10 understand --

11 CHAIRMAN HESTER: Yeah.

12 MR. DRUCKER: -- should someone  
13 want --

14 CHAIRMAN HESTER: Basically, what we  
15 need to do is, I'd like to entertain a  
16 motion to -- because we did a motion to  
17 approve, but it wasn't approved, so we need  
18 to enter a motion to de -- I need to hear a  
19 motion to deny. Is there a motion to deny  
20 the application?

21 MR. DRUCKER: Yeah, we need to hear  
22 another motion.

23 CHAIRMAN HESTER: I need to hear  
24 another motion.

25 COUNCILMAN JOHNSON: Mr. Chairman.

1 CHAIRMAN HESTER: Yes.

2 COUNCILMAN JOHNSON: I make a motion  
3 to deny the application.

4 COUNCILMAN MORLEY: Yes.

5 CHAIRMAN HESTER: Motion made by Mr.  
6 Johnson, second by Mr. Morley. Call the  
7 vote.

8 THE CLERK: Motion to deny  
9 application.

10 MR. COLEMAN: With or without  
11 prejudice?

12 THE CLERK: Oh, is it with or without  
13 prejudice?

14 CHAIRMAN HESTER: What's your -- Mr.  
15 Johnson?

16 COUNCILMAN JOHNSON: As it stands, I  
17 don't know what the difference would do  
18 without prejudice. Can I get some legal  
19 counsel.

20 MR. DRUCKER: Yeah. If it's with  
21 prejudice, then the applicant can't come  
22 back for 18 months. Without prejudice, the  
23 applicant can present this application in  
24 front of you in 12 months.

25 COUNCILMAN JOHNSON: Okay.

1 CHAIRMAN HESTER: What's your  
2 pleasure, Mr. Johnson?

3 COUNCILMAN JOHNSON: I move to deny  
4 this application with prejudice.

5 MR. MORLEY: I second it.

6 CHAIRMAN HESTER: We received the  
7 motion from Mr. Johnson to deny the motion  
8 with prejudice, second by Mr. Morley,  
9 call the vote.

10 THE CLERK: Motion for denial of  
11 application without prejudice.

12 MR. DRUCKER: No, I think it was --

13 CHAIRMAN HESTER: With prejudice.

14 THE CLERK: I mean, with prejudice,  
15 with prejudice.

16 Ms. Beacham?

17 COUNCILWOMAN BEACHAM: Yes.

18 THE CLERK: Ms. Carswell?

19 COUNCILWOMAN CARSWELL: Yes.

20 THE CLERK: Ms. Cileli?

21 COUNCILWOMAN CILELI: No.

22 THE CLERK: Mr. Johnson?

23 COUNCILMAN JOHNSON: Yes.

24 THE CLERK: Mr. Morley?

25 COUNCILMAN MORLEY: Yes.

1 THE CLERK: Mr. Hester?

2 CHAIRMAN HESTER: Yes.

3 THE CLERK: Motion passed five to  
4 one.

5 MR. DRUCKER: That's the only thing we  
6 have on the agenda today.

7 CHAIRMAN HESTER: Okay, so this  
8 meeting is adjourned. Thank you for coming  
9 out.

10 MR. DRUCKER: Thank you for coming.

11 (Thereupon, at 7:04 p.m., the  
12 proceedings were concluded.)  
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1 CERTIFIED OF REGISTERED PROFESSIONAL REPORTER  
2  
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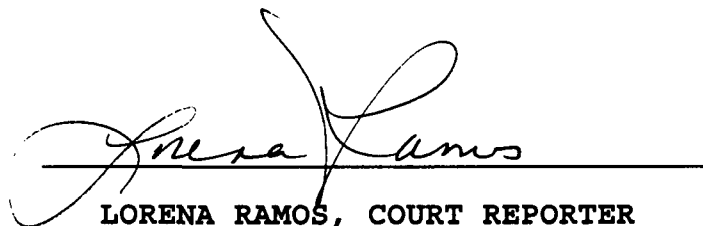
4 STATE OF FLORIDA:

5 SS:

6 COUNTY OF DADE:  
7  
8

9 I, LORENA RAMOS, do hereby certify that  
10 Item #02-265, S & D LAND DEVELOPMENT, INC.,  
11 was heard on the 5th day of February 2003; and  
12 that the foregoing pages, numbered from 1 to  
13 8, inclusive, constitute a true and correct  
14 transcription of my shorthand report of the  
15 proceedings.

16 WITNESS my hand and official seal in the  
17 City of Miami, County of Dade, State of  
18 Florida, this 10th day of February 2003.  
19

20  
21  
22   
23 LORENA RAMOS, COURT REPORTER  
24  
25

1        COMMUNITY ZONING APPEALS BOARD - 8  
2        HENRY REEVES ELEMENTARY SCHOOL - AUDITORIUM  
3        2005 NW 111 Street, Miami  
4        Wednesday, January 22, 2003 at 7:00 p.m.

6                    ITEM:

7                    S & D LAND DEVELOPMENT, INC.  
8                    (02-265)

11                   Members of Council  
12                   Present

13                   Billy Hester, Chairperson  
14                   Bertha M. Carswell  
15                   Arthemon Johnson  
16                   Fredericke Alan Morley  
17                   Winifred Beacham  
18                   Kathy Cileli  
19                   Margaret Rudolph

20                   COUNTY ATTORNEY'S OFFICE

21                   Kenneth Drucker, Assistant County Attorney

22                   STAFF

23                   Terry Rolle, Zoning Evaluator  
24                   Robert Coleman, Hearing Processor  
25                   Earl Jones, Clerk  
                 Public Works

I N D E XSPEAKERS & PAGE NUMBERS

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MR. THORNTON: 37-38

MR. ROLLE: 37, 59-60

MS. NIXON: 41

MS. PHILLIPS: 49

UNIDENTIFIED SPEAKERS: 51-52, 64-65

1 COUNCILMAN HESTER: Tonight, we're going  
2 to call the meeting to order.

3 We want to say good evening to each and  
4 every one of you here. We're going to call  
5 the meeting to order.

6 We want to say good evening to each and  
7 everyone of you here.

8 We'll call the meeting to order,  
9 Community Council 8, here at Henry Reeves  
10 Elementary School located at 2005 N.W. 111  
11 Street, Miami, Florida.

12 The meeting is called to order this date,  
13 1/22/2003.

14 We're going to open right at this moment  
15 and we're going to ask, at this time, that Mr.  
16 Johnson gives the pledge of allegiance.

17 COUNCILMAN JOHNSON: Please, stand for the  
18 pledge.

19 (Pledge of Allegiance.)

20 COUNCILMAN HESTER: Council want to make  
21 the roll call?

22 THE CLERK: Yes.

23 Ms. Beacham?

24 COUNCILMAN BEACHAM: Here.

25 THE CLERK: Ms. Carswell?

1 COUNCILMAN CARSWELL: Here.

2 THE CLERK: Ms. Cileli?

3 COUNCILMAN CILELI: Here.

4 THE CLERK: Mr. Morley?

5 COUNCILMAN MORLEY: Here.

6 THE CLERK: Ms. Rudolph?

7 COUNCILMAN RUDOLPH: Here.

8 THE CLERK: Mr. Hester?

9 COUNCILMAN HESTER: Here.

10 THE CLERK: We have a quorum.

11 COUNCILMAN HESTER: Okay.

12 At this time, we ask the court reporter  
13 to swear any witnesses in.

14 At this time, anyone that would be  
15 speaking or at any time, you need to stand at  
16 this time. The court reporter will swear you  
17 in.

18 (Thereupon, all speakers present at this  
19 time were sworn in by the court reporter.)

20 (Thereupon, other zoning board items were  
21 heard.)

22 COUNCILMAN HESTER: Okay.

23 Are there any other withdrawals or  
24 referrals at this time?

25 Okay. If there is not, basically, when

1           you come to the podium to speak, you want to  
2           step to the podium; state your name, your  
3           address; speak loud; try not to be repetitive.  
4           Be clear.

5                   When we call for objectors, objectors  
6           will come up.

7                   When we say objectors, if you don't agree  
8           with the item that's coming up, or you have  
9           something to say, you'll have an opportunity  
10          to come up and speak.

11                   And then in turn, the other individual's  
12          rebuttal come up and close out.

13                   So, now, we don't have no noise, no  
14          talking out. We don't want to have to put  
15          nobody out. We haven't did that yet. So, we  
16          want everybody to respect everybody, you know,  
17          as we go forth this evening.

18                   We want to take this time for staff to  
19          call --

20                   MR. DRUCKER: Staff has to do the  
21          statement.

22                   COUNCILMAN HESTER: Staff has to do the  
23          reading and all that good stuff.

24                   MR. COLEMAN: Mr. Chair, Members of the  
25          Board and all present, in accordance with the

1 Code of Miami-Dade County, all items to be  
2 heard have been legally advertised in the  
3 newspapers. Notices have been mailed and the  
4 properties have been posted.

5 Additional copies of the agenda are  
6 available here at the meeting.

7 Items will be called up to be heard by  
8 agenda, number and name of the applicant.

9 The record of the hearing on each  
10 application will include the records of the  
11 Department of Planning and Zoning.

12 All these items are physically present  
13 today, available to all interested parties and  
14 available to Members of the Board to examine  
15 items from the record during the hearing.

16 Parties have the right of cross  
17 examination.

18 In Miami-Dade County versus Omnipoint  
19 Holdings, Inc., case number 3D01-2347, Florida  
20 3<sup>rd</sup> DCA, 2002, the Third District Court of  
21 Appeal has held invalid the standards for non-  
22 use variances, special exceptions, unusual  
23 uses, new uses required at public hearing and  
24 modification of conditions and covenants.

25 The county attorney's office is seeking a



1 review of the decision of the Florida Supreme  
2 Court, as well as a stay of the decision's  
3 effect.

4 While the case is pending, the decision  
5 is, in effect, binding on all parties. Its  
6 impact is to suspend consideration for zoning  
7 applications for most special exceptions,  
8 unusual uses, non-use variances and  
9 modifications of conditions and covenants.

10 In the interim, county staff has  
11 developed and proposed to the Board certain  
12 ordinances that would provide interim standard  
13 for limited categories of application.

14 If these standards are inaccurate,  
15 certain applications may be able to proceed to  
16 hearing.

17 However, absent a reversal by the courts  
18 or enactment or revised regulations, pending  
19 applications will not be able to proceed to  
20 hearing until the disposition of the pending  
21 litigation.

22 This statement, along with the fact that  
23 all witnesses have been sworn, should be  
24 included in any transcript of all or any part  
25 of these proceedings.

1           In addition, the following departments  
2           have representatives here at the meeting to  
3           address any questions: The Department of  
4           Public Works, the Department of Planning and  
5           Zoning, the County Attorney's office.

6           All exhibits used in the presentation  
7           before the Board become part of the public  
8           record and will not be returned, unless an  
9           identical, letter sized copy is submitted for  
10          the file.

11          Any person making impertinent or  
12          slandorous remarks or who becomes boisterous  
13          while addressing the Community Zoning Appeals  
14          Board shall be barred from further audience  
15          before the Community Zoning Appeals Board by  
16          the presiding officer, unless permission to  
17          continue or again address the Board be granted  
18          by the majority vote of the Board Members  
19          present.

20          The number of filed protests and waivers  
21          on each application will be read into the  
22          record at the time of hearing as each  
23          application is read.

24          Those items not heard prior to the ending  
25          time for this meeting will be deferred to the

1 next available zoning hearing meeting date for  
2 this Board.

3 And, Mr. Chairman, Members of the Board  
4 and all present, Public Works will not be here  
5 tonight.

6 COUNCILMAN HESTER: Okay.

7 MR. COLEMAN: That concludes the  
8 statement.

9 COUNCILMAN HESTER: All right.

10 One other thing I would just like to  
11 share, when you come up to do your  
12 presentation, if you would just be brief,  
13 short and to the point, and not repetitive,  
14 due to the fact that we do have time  
15 constraints.

16 So, you know, just try to get to the  
17 point that you need to present and we can move  
18 on. Thank you.

19 Okay. You want to --

20 (Thereupon, another item on the agenda  
21 was heard.)

22 COUNCILMAN HESTER: You want to call the  
23 next application?

24 MR. COLEMAN: Mr. Chair, Members of the  
25 Board and all present, the next item --

1 deferred item C, 02-11-CZ8, S and D Land  
2 Development, Inc., 2/02-265, 23 protests and  
3 zero waivers.

4 MR. PROCTER: Good evening, Mr. Chairman,  
5 Members of the Board. My name is Jerald  
6 Procter. I'm an attorney with offices at 200  
7 South Biscayne Boulevard. I'm pleased to be  
8 here tonight representing Pinnacle Housing.  
9 Pinnacle Housing has a contract to purchase  
10 this property that we will discuss with you.

11 The property is about 5.7 acres and they  
12 have a contract to purchase the property  
13 contingent upon the rezoning of it.

14 Mr. Chairman, we have an application on  
15 property that is a rectangular piece of  
16 property on N.W. 22<sup>nd</sup> Avenue. It is at 78<sup>th</sup>  
17 Street and goes south several hundred feet  
18 half a block removed from 79<sup>th</sup> Street.

19 There is a used car facility along 79<sup>th</sup> to  
20 our north and primarily residential on our  
21 boundaries around us.

22 We have an application for RU-4M zoning  
23 and we intend to develop a multiple family of  
24 up to 180 units.

25 The master plan for this area of your

1 district would permit about 204 units. That's  
2 spelled out on your staff recommendation.

3 We're voluntarily limiting the project to  
4 180 units.

5 We're also limiting the height of the  
6 project to five stories.

7 The zoning that we have on the front of  
8 our property is BU-2 along 22<sup>nd</sup> Avenue.

9 It goes back for a couple of hundred feet  
10 from 22<sup>nd</sup> Avenue.

11 That zoning would allow unlimited height.  
12 It would allow uses including pubs and bars.  
13 And we're eliminating that zoning and coming  
14 with residential on the whole project.

15 The zoning that we're asking for would  
16 permit up to eight stories in height. And we  
17 wanted to assure staff from the beginning that  
18 we were not going to develop at that height,  
19 which would be potentially incompatible with  
20 the area.

21 So, we're agreeing to a maximum height of  
22 five stories.

23 I'm just going to raise a couple of  
24 points. We have some speakers from Pinnacle.  
25 Mitch Friedman is here from Pinnacle and he

1 will introduce some of his colleagues, when he  
2 comes up.

3 We have a project, a development that we  
4 want to construct here of 180 units. And we  
5 have this happening in an area where you have  
6 a number of public/private partnerships. You  
7 have heard about some of those in the last  
8 application.

9 We think that this application would  
10 continue those partnerships. We will have to  
11 expend considerable monies to develop this  
12 project, not only to build it, but  
13 considerable monies that will flow to the  
14 benefit of the County and of the other  
15 jurisdictions that would have an input on this  
16 project.

17 Let me give you a couple of examples. We  
18 will have impact fees on a development of 180  
19 units of about \$440,000.

20 We have our water and sewer expenses  
21 projected in the \$200,000 range, putting a  
22 lift station on the project that will serve  
23 not only this property, but the surrounding  
24 area, as it redevelops over time.

25 That will be a benefit to the community.

1           In our reviewing the master plan and the  
2           other governing documents in this area, we  
3           make note of the north central charrette. I  
4           know that you have heard about that in other  
5           applications.

6           Actually, from a technical standpoint,  
7           the boundaries of that charrette only go south  
8           to 79<sup>th</sup> Street. Our property is half a block  
9           south of 79<sup>th</sup>.

10          So, in a technical standpoint, we're not  
11          in that boundary, but that charrette talks  
12          extensively about infrastructure, the need for  
13          infrastructure in the area, the need for  
14          better water and sewer and so forth.

15          And as part of this development, we will  
16          have improved infrastructure not only to serve  
17          our development, but to serve the area around  
18          our property.

19          Your comments that you have in your  
20          package for the hearing also notes some  
21          contamination issues. I think it's on page 11  
22          of your packet from DERM. We are well aware  
23          of these and will have to address those.

24          We've already examined those and are well  
25          aware of them and we will have to address

1           those before we put our community in place.

2           Those are just some examples of the  
3           things that we will be providing, not only to  
4           develop our community, but things that will  
5           enhance our neighbors, our neighbor's ability  
6           to develop, our neighbor's ability to have  
7           impact fees coming into the community, to  
8           serve the schools in the community, to improve  
9           the roads in the community and so forth.

10          With that, Mr. Chairman, I'll ask Mr.  
11          Friedman to come up -- Excuse me. Let me  
12          mention just one or two other matters.

13          One of the things I've presented to you  
14          is a Declaration of Restrictions.

15          That embodies the height and the number  
16          of units that I spoke of, the five stories and  
17          the 180 units. That's in an agreement signed  
18          by the property owner. And your staff's  
19          recommendation is really contingent on that  
20          restriction.

21          It's executed and would be binding, if  
22          this application is approved.

23          And that's part of our submittal to you.

24          Another thing that we have submitted is a  
25          little brochure about Pinnacle Housing. And I



1 ask Mr. Friedman to come up and talk to you a  
2 little more about Pinnacle, who they are and  
3 what they've done in the community over the  
4 past quite a number of years.

5 And after that, I think we may have one  
6 or two other speakers, and I would like to  
7 wrap up.

8 Thank you.

9 COUNCILMAN BEACHAM: Why don't you turn  
10 that around. The audience wants to see it.

11 MR. FRIEDMAN: Good evening, Chairperson,  
12 Commissioners. Thank you very much for giving  
13 us the opportunity to come and appear before  
14 you this evening.

15 As Mr. Procter indicated, my name is  
16 Mitchell Friedman. I'm the partner with  
17 Pinnacle Housing Group.

18 With me this evening are several other  
19 people that --

20 COUNCILMAN HESTER: Okay. Did you state  
21 your name and your address?

22 MR. FRIEDMAN: Yes, I did, Mitchell  
23 Friedman, 9400 South Dade --

24 COUNCILMAN HESTER: Maybe you're not  
25 talking in the microphone, acting like your

1 microphone shy.

2 MR. FRIEDMAN: You know, that's the first  
3 time anyone ever said that about me, but okay.  
4 Is this better?

5 Mitchell Friedman, Pinnacle Housing  
6 Group, 9400 South Dadeland Boulevard, Suite  
7 100.

8 As I mentioned to you, I'm a partner in  
9 Pinnacle Housing Group.

10 Before I talk to you a little about our  
11 company, I'd like to introduce to you my  
12 partner, Michael Wahl; one of our developing  
13 assistants, Audrey Gonsalvo; from our property  
14 management, we have Tanya Leon and we have  
15 Jessica Lamar. And also as a special  
16 assistant in working with us in the community,  
17 I'd like to introduce Dwight Stephenson.

18 Pinnacle Housing Group, as a company, has  
19 been in business since 1997.

20 Since that time, we have developed over  
21 2000 units of beautiful communities throughout  
22 the State of Florida from Orlando down to  
23 South Dade.

24 The principals of Pinnacle Housing Group  
25 have probably developed, over the last 15

1 years, in excess of 14,000 units throughout  
2 the state.

3 We are a company that prides itself in  
4 developing urban areas. We have just  
5 completed our fourth hi-rise in the City of  
6 West Palm Beach. We have completed two hi-  
7 rises in the City of Miami. And we have one  
8 in Eastern Atlanta that will be opening up in  
9 the next 30 days.

10 In addition to our hi-rise and urban  
11 experience, we have also performed in other  
12 places of the state where we've done garden  
13 style and townhomes. We've also done home  
14 ownership developments. So, the types of  
15 communities that we have built are  
16 multifaceted, multi-tiered and something we're  
17 very, very proud of.

18 One of the features that we looked at is  
19 what is good for the neighborhood.

20 Well, the development that we envision  
21 here, which is called The Corinthian, would be  
22 a five story facility with a fully amenitized  
23 program.

24 In that development, we're going to have  
25 computer labs, business centers. We have

1 libraries, community rooms. We'll have a  
2 swimming pool, exercise facility and a whole  
3 lot of other types of programs that benefit  
4 the residents of The Corinthian.

5 This would be a secure environment that  
6 would help our tenants feel secure and feel at  
7 home.

8 And one of the things we like to say at  
9 Pinnacle is that our job is to try to improve  
10 the quality of life of all our tenants.

11 As you can see, when you go through our  
12 brochure, many of the different types of  
13 developments that we have. I would encourage  
14 you to look on our web site, which, again, is  
15 cited in the particular brochure, to see the  
16 many other developments of the program that we  
17 have to offer.

18 The Corinthian, as Mr. Procter indicated,  
19 would be 180 units. It would be one, two, and  
20 three bedroom units, one bedroom one bath, two  
21 two's and three three's -- excuse me, three  
22 two's.

23 Our rental structure would probably be  
24 somewhere between \$500 and \$750 a month for  
25 units that are essentially large, by today's

1 urban standards.

2 With that, I'd like to thank you again,  
3 invite any questions you might have about our  
4 development or Pinnacle Housing Group, I'd be  
5 glad to entertain those.

6 With that, I'd like to give the  
7 microphone back to Mr. Procter.

8 Thank you again.

9 MR. PROCTER: Mr. Chairman, we have three  
10 additional speakers we'd like to introduce  
11 with your permission.

12 COUNCILMAN HESTER: All right.

13 MR. PROCTER: I'll ask them to come  
14 forward quickly.

15 The first speaker is Mr. George Yapp.

16 MR. YAPP: Good evening. My name is  
17 George Yapp. My business is 2450 N.W. 74<sup>th</sup>  
18 Street. I'm a Jamaican American and Chinese.  
19 I've been here for the last 26 years. I run a  
20 company known as Lee's Industrial located in  
21 one of the most beautiful cities known as  
22 Liberty City. It is located in the Poinciana  
23 Industrial Park. We are food manufacturers.  
24 And the unique thing about --

25 COUNCILMAN HESTER: Mr. Yapp, just slow

1 up. She's having a hard time just getting your  
2 name, so kind of like go back and just kind of  
3 like --

4 Okay. You're ready?

5 MR. YAPP: My name is L. George Yapp. I'm  
6 a Jamaican American Chinese. I speak three  
7 languages, none of them perfect, a little  
8 Jamaican, a little Chinese, a little English.

9 I came here 26 years ago. I have a  
10 company known as Lee's Industries, which is a  
11 food manufacturing company located in one of  
12 the most peaceful and beautiful cities known  
13 as Liberty City.

14 It is located in the Poinciana Industrial  
15 Park located at 2450 N.W. 76<sup>th</sup> Street, 33147.

16 It's not what we manufacture, but the  
17 people who work for us. My workers consist of  
18 mothers on welfare, school dropouts, drug  
19 addicts, ex-convicts who have served time.  
20 But these people, given a second chance turns  
21 to be some of the best workers anybody could  
22 have.

23 Now, I have some managers, supervisors.  
24 I have them married, have children, husband  
25 and wife, mother, grandmother, daughter

1 working with us. We have over 75 workers with  
2 us, some of them working the last 20 years.

3 Am I going too fast?

4 Now, what I would like to say to you that  
5 my workers come around Overtown, Opa Locka,  
6 Wynwood, as far south almost in Homestead.  
7 The reason I'm here today is I got this notice  
8 about one week ago about Pinnacle. I don't  
9 know who they are, but I'm very -- you know,  
10 I'm very proud to say that what I heard that  
11 they were going to put up this multi-level  
12 home -- I refer to them as home, because I  
13 have a lot of girls works for them is off  
14 welfare, some of them paying \$600 a month for  
15 rent. And some of them are dilapidated houses  
16 I've seen.

17 I live in Kendall and they're paying  
18 higher price here.

19 But if this goes up and it's affordable  
20 houses, I think it's something good, because  
21 I'm doing an expansion, looking at 25 -- I'm  
22 now doing an expansion that cost me about Five  
23 Million Dollars to expand my building from  
24 like 32,000 square feet and I will be able to  
25 employ another 60 workers. It's now located

1 in Liberty City. And this project here is on  
2 22<sup>nd</sup> Avenue and 78<sup>th</sup> Street and it's right next  
3 door to my building.

4 Can you imagine that I have people that  
5 work for me living in this neighborhood,  
6 because a lot of times people or ladies have  
7 no transportation, rides, and like I said  
8 before, it's good that you have a building  
9 that people can live and they can come across?  
10 They will save enough money, right, and more  
11 convenient for them, also.

12 And it's good for them and good for me  
13 and good for the neighborhood.

14 But this project, I've been here for 26  
15 years, in Liberty City, but this is something  
16 that is good for your neighborhood, good for  
17 everybody.

18 And it's lifting the city up, up to -- I  
19 can't think of the words now, but it's  
20 beautiful, but what I say to you is I don't  
21 know if everybody is like me, but what they're  
22 doing here tonight is asking you to give them  
23 the chance to build this here.

24 And for me, I think it's a blessing for  
25 the people in the neighborhood, also, and the



1 people who work in that neighborhood, because  
2 I didn't -- I got a notice about the company,  
3 but I say I would come here and say what I  
4 think, if it be right. And I would appreciate  
5 if you all would think very well, because it  
6 costs them a lot of money, but believe me, I  
7 know the area and it is something that is God  
8 blessing.

9 All I'm saying to you all is that give  
10 them a chance. And for my workers, also,  
11 which I tell you that it would be a blessing  
12 for them, also, because I know what it costs  
13 them to rent a home, and you want to buy, but  
14 do you all understand me? I speak good  
15 enough?

16 Thank you very much.

17 COUNCILMAN CARSWELL: Mr. Chair, I would  
18 like to ask Mr. Yapp a question.

19 COUNCILMAN HESTER: Mr. Yapp, you have a  
20 question.

21 COUNCILMAN CARSWELL: I know you have a  
22 model -- a model business over there in the  
23 Poinciana Park area. And I know you do hire  
24 people from the community. Did you hire any  
25 of the people from the Scott Housing?

1           MR. YAPP: Most of my workers come from  
2           Scott Projects. I hardly have anyone that  
3           don't have a record also. And everyone that  
4           works for me on welfare. But they are -- I  
5           have -- if a woman can raise children by  
6           herself, she know how to work, give them that  
7           chance and they will do it for you, because I  
8           have a woman work for me the last 15 years,  
9           some of them have six or seven kids by  
10          themselves, right. I help them rent a place,  
11          get them -- some of them can't even pay the  
12          light bill, but now, today, they are going,  
13          making \$8.00, and some of them have saved  
14          enough and bought homes for themselves, also,  
15          which I am proud for that. And I think it's  
16          something we all should look forward to it.

17                 We all put together, make it work.

18                 Some of you know everybody call me the  
19          Black Chinaman or the crazy fool, right, but  
20          I'm not crazy. But people are human, and I do  
21          something good, the guy upstairs there that  
22          give me a blessing help me.

23                 And these guys are coming in, and once  
24          they come in, believe me, every, everybody  
25          will want to start coming.

1 I been there for 26 years. I going  
2 nowhere. And you people do something. I  
3 congratulate you all here tonight.

4 Thank you very much.

5 COUNCILMAN CARSWELL: Thank you.

6 MR. PROCTER: Mr. Chair, the next speaker  
7 is James McQueen.

8 MR. MCQUEEN: Good evening. I'm from the  
9 Miami Dade Affordable Housing Foundation. My  
10 name is James McQueen, 25 West Flagler.

11 Let me say that we have, both in my role  
12 as a consultant with the Miami Dade County  
13 Affordable Housing Foundation and in my prior  
14 life as a person who had worked on the Hope 6  
15 Project, both in writing the grant that  
16 resulted in Miami Dade County being awarded  
17 that grant and in working afterward in trying  
18 to implement it, we, at the Miami Dade  
19 Affordable Housing Foundation are currently  
20 building 150 single family homes by purchase  
21 for former residents of Scott Carver.

22 But in any community, you know, every  
23 study, every -- you have to have a different  
24 kind of housing. You have to have a variety  
25 of housing.

1           There is a great need, and we are doing  
2           everything that we can to ensure that  
3           residents of Scott Carver are able to purchase  
4           these 150 homes, but no matter what we do, we  
5           will never be able to ensure that every person  
6           who lives in Scott owns a home. And  
7           affordable housing is a much needed thing for  
8           both the current residents and for individuals  
9           who are being displaced as they begin to board  
10          up and demolish Scott Carver.

11          Many of those residents have no desire to  
12          move down south to Homestead. They have no  
13          desire to move out west to Hialeah or up north  
14          to Carol City. And they really like to remain  
15          in their communities.

16          One of the reasons is -- and we've taken  
17          all kinds of surveys. One of the reasons is  
18          because their schools are there. Their  
19          families live there. Their churches are there  
20          and they've been long time residents. And it  
21          really doesn't matter, you know, I mean -- it  
22          matters that -- it really doesn't matter that  
23          they would be able to have -- that their  
24          existing residences in Homestead or existing  
25          residences in Hialeah, this, for the

1 individuals who live in Scott, it's their  
2 community.

3 And both Miami Dade Housing Agency and  
4 the Housing Foundation and the Housing  
5 Foundation and the Miami Dade Housing  
6 Authority are all working to try to maximize  
7 the opportunities for individuals to remain in  
8 their community.

9 And this project will allow for those who  
10 are unable, as they begin to both demolish  
11 Scott and board up other areas, make it  
12 possible for them to remain in the community  
13 at affordable rents.

14 You might be surprised to know that many  
15 people who currently live in Scott pay rents  
16 that far exceed what's going to be charged at  
17 this project.

18 So, I'm coming to you, both as an  
19 individual who helped create work on the Hope  
20 6 grant, but also an individual that's  
21 currently trying to make it possible for  
22 individuals to own homes, to have you  
23 understand that we need a varying style of  
24 housing.

25 We need affordable rentals. We need home

1 ownership. We need residences that will allow  
2 for people who are transferring from renting  
3 to owning. And this project, in our opinion,  
4 and in my opinion, is one that would really be  
5 a benefit, not only to the community, but also  
6 to the residents of Scott Carver.

7 Thank you very much.

8 COUNCILMAN MORLEY: Mr. Chairman?

9 COUNCILMAN HESTER: Yes. Mr. Morley.

10 COUNCILMAN MORLEY: Mr. McQueen, the  
11 individuals that are leaving Scott Projects at  
12 this time, where are they currently residing?

13 MR. MCQUEEN: Well, currently, they are  
14 being dispersed throughout the county, some  
15 people as far -- are moving, now, as far as  
16 Homestead, Perrine.

17 Others are moving towards the county  
18 line.

19 Individuals are moving towards Hialeah.  
20 And when you talk to the residents of Scott  
21 Carver, when you talk to the residents of the  
22 area, most people are desirous of remaining in  
23 their community. But the housing stock just  
24 isn't there. And we're trying to address that  
25 in both home ownership and in rentals.

1                   And this rental project -- this rental  
2                   facility will really go a long way in aiding  
3                   individuals who desire to remain in the area.

4                   COUNCILMAN CARSWELL: Mr. Chair?

5                   COUNCILMAN HESTER: Ms. Carswell.

6                   COUNCILMAN CARSWELL: Mr. McQueen, I  
7                   didn't hear anything about a sliding scale.  
8                   Is it a set price or is there a sliding scale  
9                   for the residents?

10                  MR. MCQUEEN: No. Now, as far as the  
11                  scale, I leave that to someone else to answer.

12                  COUNCILMAN CARSWELL: Based on income.

13                  MR. PROCTER: That's correct, the rent  
14                  will be charged based upon income.

15                  COUNCILMAN CARSWELL: Because I heard up  
16                  to \$700 --

17                  MR. PROCTER: There may be some  
18                  individuals that pay less than that, depending  
19                  upon income; but I was trying to give you,  
20                  basically, an average of what the rental would  
21                  look like.

22                  COUNCILMAN CARSWELL: Is this a certain  
23                  percentage of your residents, a certain  
24                  percentage of those apartments would be for  
25                  sliding scale?

1 MR. PROCTER: Yes. I would imagine that  
2 at 180, you're probably looking at 180 or --  
3 160 would be, earning a 60 percent variant  
4 income, and the remainder probably earning  
5 between, maybe 33 and 50 percent of their  
6 minimum income.

7 MR. MCQUEEN: And again, I think it's very  
8 important that we remember that many residents  
9 who currently live in Scott Carver rents  
10 exceed, currently, the bottom amount that  
11 would be paid in this new development.

12 So, if there are any other questions, I'd  
13 be glad to answer them from a Hope 6 and  
14 community standpoint, but as far as the  
15 numbers --

16 COUNCILMAN HESTER: Yeah, that's kind of  
17 true.

18 Any other questions?

19 Okay. I think that's it.

20 MR. PROCTER: Thank you, Mr. Chairman.  
21 Our last speaker is Reverend Butler.

22 REVEREND BUTLER: Mr. Chairman, to the  
23 Board, my name is Pastor Keith Butler with New  
24 Mount Mariah Missionary Baptist Church, 6700  
25 N.W. 14<sup>th</sup> Avenue. We also own an acre -- a



1           little over an acre right north of the  
2           property on 22<sup>nd</sup> Avenue and 79<sup>th</sup> Street. There  
3           is a Church's Chicken and a gas station.  
4           We're in between.

5           It's presently zoned church use only.  
6           One of my predecessors bought it about ten  
7           years ago, purchased the land with the  
8           church's permission to build a church, but  
9           since I've been there, and my chairman is here  
10          as well, Deacon Jessie Windsor, our church far  
11          exceeds the expectation of the plans that the  
12          former pastor wanted to build.

13          So, it's too small to build a church, but  
14          one day we'll probably be coming before you to  
15          build something else on it.

16          But anyway, we're very proud of the  
17          Pinnacle Development even thinking about  
18          coming into our area.

19          I'm a part of the new wave pastors that  
20          believe that churches should do more than just  
21          have church on Sunday and take up money and  
22          have building funds.

23          We presently own a 24 hour day care  
24          behind the Northside Shopping Center, 10,000  
25          square feet of -- a million dollar project.

1 And we're very proud of it.

2 I say that so you can see we're  
3 industrial minded. We have close to 40 -- I'm  
4 sorry, 20 some odd employees. And I feel that  
5 this development would only enhance the  
6 community.

7 I pray that you all will really take into  
8 consideration without any pressure or any bias  
9 that we need more housing in our area, whether  
10 it's through the vehicle of ownership or  
11 private development that can build affordable  
12 housing. I do not believe to have members of  
13 Scott Project, as well as other surrounding  
14 areas, instead of them moving way to Homestead  
15 or Hialeah, I believe that this will be a  
16 very, very good thing for us to have.

17 Also, I've spoken to several of the  
18 pastors in the area. In fact, one has a  
19 representative here, Reverend James Kitchen of  
20 the Mount Carmel Missionary Baptist Church,  
21 which is also on 79<sup>th</sup> Street and 17<sup>th</sup> Avenue,  
22 which is east of the property of the Pinnacle  
23 is interested in.

24 We really, really hope and pray that you  
25 guys will consider it and take it under

1 consideration, and again, I'm open to any  
2 questions that you might have from a pastoral  
3 sense from members of my parishioners -- of my  
4 congregation, rather, that I have not heard  
5 any negative feedback at all, only but  
6 positive.

7 So, I pray that you all will really take  
8 this into consideration.

9 And finally, I have a bible study that  
10 starts at 8:00, so, if you see me leaving,  
11 it's not no disrespect to you, nor to the  
12 Pinnacle, but I have a lot of people waiting  
13 to ask me some questions about the bible.

14 So, if you have any questions for me, I'm  
15 available at this time.

16 COUNCILMAN HESTER: Any questions?

17 THE BOARD COLLECTIVELY: No.

18 REVEREND BUTLER: Thank you so much.

19 MR. PROCTER: Mr. Chairman, with your  
20 permission, I'd like to see if I could ask the  
21 supporters of the project that are here to  
22 stand.

23 Is that permitted?

24 COUNCILMAN HESTER: Uh-huh.

25 MR. PROCTER: Supporters of the project,

1 please stand.

2 (Supporters complied.)

3 MR. PROCTER: Thank you. You can be  
4 seated.

5 Mr. Chairman, as you know, we have the  
6 full support of county staff. The recommended  
7 Declaration of Restrictions is noted in the  
8 recommendations, and we are willing to abide  
9 by it.

10 We think this is a good application, a  
11 benefit to the community. We're here to  
12 answer any questions that you have and reserve  
13 some time for rebuttal if there are any  
14 opponents, and we appreciate your attention.

15 COUNCILMAN HESTER: One question I'd like  
16 to ask. All of the supporters, how many  
17 supporters live directly in the area?

18 Are there any objectors?

19 MR. DRUCKER: Mr. Chairman, even though  
20 they stood, there may be somebody else that  
21 wants to speak in favor. So, invite them up.

22 COUNCILMAN HESTER: Are you in favor or do  
23 we have an objector?

24 MR. DRUCKER: Is there anybody else in  
25 favor that wants to speak?

1 COUNCILMAN HESTER: Anybody else in favor  
2 that wants to speak, you can speak at this  
3 time.

4 MS. RUSSELL: Mr. Chairman and Council  
5 Members, my name is Janie Russell. I reside  
6 at 1210 Peride Street, Opa Locka. I attend  
7 the House of God Miracle Revivalship Church in  
8 the Liberty City area. I have been a member  
9 over 35 years.

10 I'm the church administrator there as far  
11 as office manager and also work in the area of  
12 social services in our church. And we have  
13 young ladies that have children that, I think,  
14 this project would be a great asset to. And I  
15 can also say, on behalf of Pinnacle, that they  
16 have been very supportive of projects that  
17 we've done in the community that have  
18 benefitted our children.

19 So, I'm in support of them and I hope you  
20 will, as well.

21 Thank you.

22 MR. BEASLEY: Good evening, Mr. Chairman.  
23 My name is Anthony Beasley. I reside at 3425  
24 N.W. 95<sup>th</sup> Street. I'm a member of Mt. Carmel  
25 Missionary Baptist Church. And I'm speaking

1           in the absence of my pastor.

2           In looking at the plans and programs and  
3           things that they have in store, I have  
4           personally resided outside the City of Miami  
5           for a large part of my life. I lived in San  
6           Antonio, Texas. And one of the things that  
7           surprised me, when I came back to Miami is the  
8           fact that the housing that I lived in San  
9           Antonio is a rental property that far exceeds  
10          anything I see here locally in the community,  
11          that most of the housing I've experienced in  
12          San Antonio is the type of housing you  
13          experience in North Miami, North Miami Beach,  
14          in those type areas.

15          So, to see a project like this move into  
16          the area, I think it's a move forward for this  
17          community. And I think it will help keep the  
18          community together and I think you'll see a  
19          lot of the same people who leave the area  
20          either because they can't afford to stay or  
21          because they were in public housing, make the  
22          flock and come back. And I think it would be  
23          a wonderful thing for the community.

24                 Thank you.

25                 MR. STEPHENSON: Good afternoon, ladies

1 and gentlemen, Mr. Chairman. I'm Dwight  
2 Stephenson. I'm President of Stephenson  
3 Construction. We're a licensed general  
4 contractor here in South Florida and we're  
5 also the contractor to build the NFL Yacht  
6 Center located at Gwen Cherry Park.

7 Pinnacle -- I've been involved with them  
8 almost the last year. I've seen them do work  
9 in other communities and also seen them reach  
10 out to the minority business community, also.  
11 And they've allowed us to be involved in the  
12 construction of this project.

13 So, we're excited about being a part of  
14 it.

15 Thank you.

16 MR. THORNTON: Hello. My name is  
17 Frederick Thornton --

18 MR. DRUCKER: Would you speak up a little  
19 bit, please?

20 MR. THORNTON: My name is Frederick  
21 Thornton. I stay 81<sup>st</sup> and 14<sup>th</sup>.

22 MR. DRUCKER: Could you speak a little bit  
23 louder, please, 'cause we --

24 MR. ROLLE: Not louder, just say your name  
25 slowly.

1 MR. THORNTON: Frederick Thornton. I stay  
2 on 81<sup>st</sup> and 14<sup>th</sup>. I work for Mr. Yapp  
3 warehouse. And it's in the neighborhood, so I  
4 feel like the little project they're trying to  
5 build would be good for our community.

6 Thank you.

7 COUNCILMAN CARSWELL: Mr. Chairman?

8 COUNCILMAN HESTER: Yes, ma'am.

9 COUNCILMAN CARSWELL: I would like to know  
10 whether there are any more Pinnacle Apartments  
11 in the county.

12 COUNCILMAN HESTER: The question was  
13 posed: Are there any other developments in  
14 the area?

15 MR. PROCTER: I'm sorry, I didn't hear the  
16 question.

17 COUNCILMAN CARSWELL: Do you have any more  
18 developments in the area?

19 MR. FRIEDMAN: Not in this particular  
20 area, no, we do not at this time.

21 Are you talking about within the Liberty  
22 City Area?

23 COUNCILMAN JOHNSON: In Miami.

24 MR. FRIEDMAN: Yes, we have several.  
25 Would you like me to describe some of them?



1 COUNCILMAN CARSWELL: I would like to know  
2 in the northwest.

3 MR. FRIEDMAN: Okay. In the northwest, we  
4 have the following developments: Starting up  
5 north in Carol City, we have 176 unit Douglas  
6 Point. It's right off 183<sup>rd</sup> Street and  
7 approximately 37<sup>th</sup> Avenue. It's been in  
8 operation for almost three years. It's fully  
9 leased.

10 We have virtually no problems, and the  
11 development is working very, very well.

12 We have recently completed a 100 percent  
13 rehabilitation development up off 183<sup>rd</sup> Street  
14 and N.E. 2<sup>nd</sup> Avenue called Pinnacle Lakes.  
15 Pinnacle Lakes, or as it was formerly called  
16 -- excuse me -- Cellco.

17 Cellco was a dilapidated 240 unit  
18 development that essentially had been  
19 neglected for the last 25 years. We went  
20 ahead and bought the property. We did  
21 something that was kind of amazing in the  
22 rehab business. Not only did we do a complete  
23 rehab of the development, we managed to keep  
24 125 tenants there during rehab. And we were  
25 able to do that because we were able to move

1 tenants from place to place and take care of  
2 their safety concerns.

3 That development is now up and running  
4 and perfectly renovated and very, very pretty.

5 We have another development on N.E. 23<sup>rd</sup>  
6 Street and 2<sup>nd</sup> Avenue. It's 186 units, 13  
7 story high rise with a four story parking  
8 garage. Again, it's another facility  
9 completely full.

10 We find that most of our tenants are  
11 people who work in the Miami Beach tourist  
12 area, and they use Pinnacle View across the  
13 bay for a place of home.

14 We have another development called  
15 Conquistinole (phonetic) completed three and a  
16 half years ago and it's six blocks west of the  
17 Justice Building and immediately behind Cedars  
18 of Lebanon. It's a hundred unit, ten story  
19 building, what we call the general Allapattah  
20 area.

21 We also completed a home ownership  
22 development in the Allapattah area of N.W.  
23 20<sup>th</sup> Street and 20<sup>th</sup> Avenue of approximately 26  
24 units.

25 We also did a home ownership development

1 in Little Haiti, right off N.W. 100 -- N.W. --  
2 N.E. 138<sup>th</sup> Street and 6<sup>th</sup> Avenue, developed 40  
3 townhomes working with the Little Haiti CDC,  
4 completed that development approximately two  
5 and a half years ago.

6 I think in the northwest section --

7 COUNCILMAN CARSWELL: Okay. That's --

8 MR. FRIEDMAN: But if you go to our web  
9 site, I might be able to find another one.

10 MR. DRUCKER: Why don't we ask for any  
11 objectors and then if there are any questions.

12 COUNCILMAN HESTER: All right.

13 Any objectors?

14 MS. NIXON: I don't -- I'm not willing to  
15 wear the label of an objector, but I do have  
16 some comments that I would like to make. And  
17 with respect to everyone who has spoken up to  
18 now, I appreciate their points of view and --

19 THE CLERK: We need for you to --

20 MS. NIXON: Doritha Nixon, 2180 N.W. 135<sup>th</sup>  
21 Street.

22 My perspective is a little different,  
23 however. I'm concerned about the fact that  
24 North Central Dade has now been targeted as  
25 the next frontier for, quote/unquote,

1 "Affordable Housing."

2 Changing the name doesn't change the  
3 concept.

4 We know that everyone needs affordable  
5 and decent housing everywhere. And we know  
6 the experience of urban communities,  
7 especially in Dade County, that have had this  
8 target made by developers who are focusing on  
9 this particular population.

10 My concern is that, looking at that  
11 history, if you look at Overtown, one of the  
12 reasons that the City of Miami is the poorest  
13 city in the United States is because Overtown  
14 was targeted as a place to put low income  
15 housing, and it went past that point of no  
16 return where nothing else would go there,  
17 because there was so much low income housing.

18 Liberty City followed and Opa Locka  
19 followed and, now, Carol City is following,  
20 and now North Central is following.

21 If everyone so sincerely believes that we  
22 need to provide affordable housing for our  
23 population, why does it all have to be in one  
24 place? It creates unreal communities. It  
25 limits the ability of the community or a

1 neighborhood to develop some kind of balance,  
2 some kind of socio economic balance. And the  
3 fact that people need housing should not be  
4 limited to the fact that well, if you have low  
5 income and you can't afford to live someplace  
6 else, here's a place that you can live. It  
7 creates, for lack of a better word, it creates  
8 plantations.

9 And I don't think it's fair to the people  
10 that need to have more choice, and for the  
11 people who are trying to develop a balanced  
12 community. And I think that it's almost an  
13 insult to say that if we are against this  
14 project or if we don't think this project, the  
15 way it's currently designed, is a good idea,  
16 that we're against people that need affordable  
17 housing. And that's certainly not true.

18 As was pointed out, this same developer  
19 has developed home ownership, has developed  
20 townhouses and garden apartments. Why is  
21 there not a mixture in this development?

22 Why put 180 apartments, rental apartments  
23 in one place, when there could possibly be a  
24 mixture for that complex that would include  
25 townhouses and garden apartments and home

1 ownership units, along with affordable,  
2 subsidized housing?

3 I think it's unreal, unfair, and I think  
4 the fact that this developer -- and I think  
5 there's probably some relationship between  
6 this developer and Cornerstone, if not, it's  
7 the same concept. Cornerstone has taken the  
8 corner towards 27<sup>th</sup> Avenue, and this developer  
9 has taken the other end of our boundaries on  
10 79<sup>th</sup> Street, without giving thought to --  
11 without doing planned, comprehensive community  
12 development.

13 There are plenty of planned communities  
14 around that tell us that when the developers  
15 come in and build a whole community, we're  
16 talking about their community that they're  
17 bringing to us. When you develop a community,  
18 you bring in businesses, you bring in the  
19 amenities to support the housing, different  
20 styles and kinds of housing, so when you get  
21 there, you have a community that gives people  
22 choices, that gives people a sense of fitting  
23 into the community that's around them, that  
24 the people who are already there, are glad to  
25 have them come in.

1           The fact that this company, these  
2 gentlemen have not come to any of our  
3 community based organizations that I am  
4 involved in, and I'm involved with a few, have  
5 not sat down at the table and given us an  
6 opportunity to participate. They sat down  
7 with staff, because they need staff's  
8 approval. They sat down with some other  
9 people that they've been able to get to see  
10 the value of what they are doing, but our  
11 homeowner's associations, our federation  
12 neighborhood association and the charrette and  
13 our groups that are trying to take the larger  
14 view and have us end up with something that we  
15 would be able to live with over the decades to  
16 come, we have not had that opportunity. There  
17 is not even a picture here.

18           I was going to make a point about the  
19 design, but I think that the fact that this is  
20 a parade coming before the zoning board and  
21 coming before this community and the pace is  
22 going to increase, the number of such  
23 developers are going to increase, unless a  
24 kind of standard is set.

25           The land use, according to the zoning, is

1 obviously changing. It's changing by default,  
2 because every time one of these kinds of  
3 projects comes in and gets a zoning change and  
4 the wave of it continues, what good does it do  
5 us to have certain kinds of zoning?

6 I do not see that there is any benefit to  
7 the community at large, who may not  
8 necessarily live next door to these projects,  
9 who may not necessarily need to be a tenant in  
10 these projects, but to whom this is our  
11 community stretching from 62<sup>nd</sup> Street to 135<sup>th</sup>  
12 Street. We all have a vested interest in what  
13 happens on 79<sup>th</sup> Street. It is one of our  
14 major arteries. And we need to have an  
15 opportunity to somehow attract some of the  
16 other things that we need in our communities  
17 besides affordable housing.

18 Affordable housing is a reality. It's a  
19 need and it deserves appropriate attention,  
20 but it can't, I don't think that it can be  
21 dealt with in an isolated manner like it's  
22 being dealt with now, using funds like OCED  
23 and other housing funds coming available  
24 through public monies, but at the initiative  
25 of private development, if there is going to



1 be a public/private partnership, let us in on  
2 the partnership, please.

3 Thank you.

4 COUNCILMAN HESTER: Anyone else?

5 If there be no other objectors, your  
6 rebuttal?

7 MR. PROCTER: Thank you, Mr. Chairman.  
8 Just briefly, I think the record of Pinnacle  
9 speaks for itself, the different kinds of  
10 communities that they developed and the  
11 different areas, they're building all over  
12 town.

13 That's the long and short of it. We  
14 didn't even get to South Dade or even to the  
15 downtown Miami or urban area.

16 This is an innovative, home grown company  
17 here in Miami that develops communities of all  
18 shapes and sizes. And I think Mr. McQueen and  
19 some of the other speakers put it better than  
20 I could in terms of the mixture of houses  
21 really needed in all areas, really called for  
22 in the master plan. It's not just supposed to  
23 be words on a page, but really supposed to  
24 occur throughout the community.

25 And I think, as Mr. McQueen and others

1 pointed out, that this will achieve that  
2 objective for this community.

3 We have the full support of staff. We're  
4 very proud of that. I don't stand with that a  
5 lot of times, when I come with applications,  
6 but I'm proud to do so tonight.

7 With that, Mr. Chairman, we will close  
8 and ask for your support and approval, based  
9 on staff's recommendation.

10 Thank you.

11 COUNCILMAN BEACHAM: Just to piggyback on  
12 what Ms. Nixon said, is your mode of  
13 operation, do you usually go in and  
14 communicate with homeowner's associations  
15 regarding what your proposals are, or do you  
16 just -- I mean, how do these people come to  
17 support this? Did you meet with them?

18 I mean, what was their role?

19 MR. PROCTER: Ms. Beacham, we have had a  
20 number of conversations with both business  
21 owners in the community, homeowners in the  
22 community, property owners in the community.  
23 We can go through that in some detail, if you  
24 would like.

25 COUNCILMAN BEACHAM: No. She brought up a

1 very valid point, that she brought up about  
2 communicating with homeowner's associations,  
3 because you get more people involved instead  
4 of possibly hand picking, and I wondered, as  
5 she does --

6 MR. PROCTER: Again, we have reached out  
7 to a number of different communities, a number  
8 of different roles in the community, if you  
9 will, to property owners, to business owners,  
10 to the folks that we have speaking, and we  
11 tried to keep it somewhat brief, but they are  
12 a cross section of that.

13 Ramona Phillips is here and has assisted  
14 us in those efforts, and maybe she can answer  
15 the question better than I have.

16 MS. PHILLIPS: Good evening. My name is  
17 Ramona Phillips with Fulton (phonetic)  
18 Consulting Group, 9999 N.E. 2<sup>nd</sup> Avenue, Suite  
19 116.

20 To answer your question, we have reached  
21 out to the community. I personally was hired  
22 by Pinnacle Housing Group, walked to the area  
23 that's adjacent to the actual property,  
24 reached out to the business owners. I have  
25 Mr. Brian Harp here from Brian P. Harp

1 Insurance, Mr. George Yapp, Reverend Butler.  
2 There are some individuals who are not here,  
3 who in particular, Mr. Raymond Roberts, who  
4 owns three properties here adjacent to the  
5 development on the corner of 76<sup>th</sup> and 21<sup>st</sup>  
6 Avenue, 75<sup>th</sup> and 21<sup>st</sup> Avenue and then two right  
7 across the street. I spoke with him and he  
8 could not make it. His daughter is ill and in  
9 the hospital, but I spoke with him and he  
10 could not make it.

11 But we do make an effort to reach out to  
12 individual homeowners in that area. What I  
13 found out is that the homes that are there  
14 which are few, maybe about 20 which are  
15 immediately impacted, a lot of them are rented  
16 to individuals through Section 8. Then if the  
17 property owners that are there -- which he  
18 seems to own most of the property.

19 I walked the community and I actually  
20 passed out flyers and left them for every home  
21 that looked like this, to let them know about  
22 the hearing and with my phone number, to  
23 inquire if anyone had any additional  
24 information regarding this project.

25 So, we did have an effort over the past

1 two or three weeks. You know, Ms. Nixon,  
2 unfortunately, I didn't go to 135<sup>th</sup> Street.

3 My focus, really, was to reach out to  
4 companies and homeowners in that area of 22<sup>nd</sup>  
5 and 78<sup>th</sup> Street.

6 Any questions?

7 MR. DRUCKER: Have you closed the hearing?  
8 Have you closed the public hearing? Then  
9 there is no speakers back and forth.

10 You have questions you can ask people to  
11 clarify.

12 UNIDENTIFIED SPEAKER: Are you finished  
13 from before? Is it closed?

14 MR. DRUCKER: There is no provision -- in  
15 other words, what you have to do -- there is  
16 no more speakers back and forth. And if you  
17 allow it, then you might have to open it up  
18 again for other people.

19 In essence, you have a presentation. You  
20 have people in favor, people against,  
21 rebuttal, and that's that.

22 COUNCILMAN CARSWELL: Mr. Chair?

23 COUNCILMAN HESTER: Yes, ma'am.

24 COUNCILMAN CARSWELL: You know, I see that  
25 big apartment complex up by Joe Robbie --

1                   MR. DRUCKER: I'm sorry. Have you closed  
2 the public hearing?

3                   COUNCILMAN HESTER: You all ready to close  
4 it?

5                   COUNCILMAN CARSWELL: Oh, you didn't close  
6 it? I thought we were in discussion.

7                   COUNCILMAN HESTER: I haven't closed it  
8 yet.

9                   COUNCILMAN CARSWELL: Then I'll wait.

10                  COUNCILMAN HESTER: Okay. We close the  
11 public hearing at this time.

12                  UNIDENTIFIED SPEAKER: Oh, you closed it  
13 already?

14                  MR. DRUCKER: All these folks spoke in  
15 favor and against already, and Council came  
16 and rebutted.

17                  COUNCILMAN CARSWELL: She just came in,  
18 and she wasn't sworn in.

19                  UNIDENTIFIED SPEAKER: I know I'm late.  
20 I've been to two meetings already, and I  
21 wasn't trying to get an opportunity, but --

22                  MR. DRUCKER: Ma'am, no, you can't --

23                  UNIDENTIFIED SPEAKER: Being the activist  
24 that I am and going from one meeting to  
25 another, I heard something that was said. I

1 mean, if you are not dealing with --

2 MR. DRUCKER: Ma'am --

3 COUNCILMAN HESTER: Can we -- we can't  
4 allow no more conversation.

5 MR. DRUCKER: My concern to you is this:  
6 If, in fact, you reopen it, you reopen the  
7 whole hearing. You're welcome to start again,  
8 but I can tell you, you have to give, then,  
9 everybody else, then, another opportunity to  
10 speak.

11 Due process is very clear. So, if you  
12 start having people come that weren't here,  
13 the whole public hearing, you have to, in  
14 fairness to everybody, reopen the public  
15 hearing.

16 COUNCILMAN HESTER: How does the Board  
17 feel about that?

18 COUNCILMAN CARSWELL: I think we're  
19 closed. I thought it was closed.

20 COUNCILMAN HESTER: The public hearing is  
21 closed.

22 Open for discussion.

23 COUNCILMAN RUDOLPH: I just wanted to  
24 comment to the developers, with credit to Ms.  
25 Nixon and the people involved in charrette, I

1 appreciate the fact that you are considering  
2 some of the hopes of charrette. I would say  
3 that I would rather see this type of housing  
4 than all the used car lots strung up and down  
5 27<sup>th</sup> and 22<sup>nd</sup>. So, it's an improvement.

6 COUNCILMAN CARSWELL: Mr. Chair?

7 COUNCILMAN HESTER: Ms. Carswell.

8 COUNCILMAN CARSWELL: Yes, I would like to  
9 really get -- have some analysis on the number  
10 of apartments in the area already. We have a,  
11 you know, a move of what looks like to bring  
12 in a lot of housing, affordable housing. And  
13 it seems to me that those apartments up at Joe  
14 Robbie Stadium, there is a big set of  
15 apartments up there, and they aren't filled, I  
16 don't think.

17 I would like to see how many of these --  
18 and one on -- we just approved one on 119<sup>th</sup>  
19 the other week. And I'm just concerned about  
20 all of these apartment buildings coming up in  
21 our community.

22 COUNCILMAN HESTER: Okay.

23 Anyone else?

24 COUNCILMAN MORLEY: Mr. Chair?

25 COUNCILMAN HESTER: Yes, Mr. Morley.



1 COUNCILMAN MORLEY: My concern is, also, I  
2 heard the attorney talk about the charrette,  
3 also, but as you know, we have gone to several  
4 charrette meetings, and we found the meetings  
5 in the community, and one of the things that  
6 the community is stressing is trying to bring  
7 a business area back to 79<sup>th</sup> Street. And  
8 that's what they've been talking about that.  
9 We've been talking about that for the longest.  
10 And that's what the charrette, the charrette  
11 and the homeowners have been talking about  
12 trying to bring that back. And one thing that  
13 I see, and I think we're getting our hands  
14 tied with the Hope 6 situation, when the Hope  
15 6 situation came about with Scott Project,  
16 they were entitled, under the Federal  
17 Government, to do a job. And we can't cover  
18 what they didn't do in reference to -- now, in  
19 reference to the housing, nobody wants to see  
20 anybody displaced, or nobody wants to see  
21 anybody go to Homestead or move out to  
22 Hialeah, however, people were assigned to do  
23 that particular job.

24 You had Hope 6 and quite a few other  
25 affordable housing people that were supposed

1 to do that prior to this area, prior to this.  
2 And we cannot let people go by and not do what  
3 they're supposed to do.

4 And the 79<sup>th</sup> Street business quarter,  
5 we've been talking about the business quarter,  
6 and the only way that we can keep it that way  
7 is to make sure that it stays open as a  
8 business quarter and from business all the way  
9 from 79<sup>th</sup> Street -- I know you talked about  
10 it's one block back from the strip, but  
11 however, the 78<sup>th</sup> Street is the bad part of  
12 79<sup>th</sup> Street, all the way down. That's all the  
13 way down. And I see a lot of things that's  
14 coming in place, and I see a lot of things  
15 coming in place and I just have to get our  
16 hands tied in this thing, in the thing where  
17 somebody was assigned a task to do and is  
18 sliding by. Hope 6 was assigned a task to do,  
19 and they're sliding by. They have Federal  
20 dollars to do things for housing.

21 Everybody is supposed to be housed that  
22 came out of Scott. Nobody is supposed to be  
23 homeless or do anything like that.

24 COUNCILMAN JOHNSON: Mr. Chair?

25 COUNCILMAN HESTER: Yes.

1                   COUNCILMAN JOHNSON: I'm looking at 204  
2                   units in that area, which would seem to be,  
3                   you know, really high density. And the  
4                   concept that we looked at with Scott Projects  
5                   in that area, in accordance with the  
6                   charrette, and the kind of thing that we  
7                   looked in that area, garden apartments and  
8                   things where ownership could be a part of the  
9                   deal and yet we can move from this attached  
10                  style of living is, you know, socially, I  
11                  think it would be a lot better. And I really  
12                  have a few problems with the number of units  
13                  in one place. And I know that you might have  
14                  a disadvantaged clientele that you are working  
15                  toward, but I feel that there is a better way  
16                  to move a situation like that where it  
17                  benefits both the total community and not just  
18                  one little plot of land that's going to be  
19                  sitting there. And you know, what happens  
20                  after that is that we get a flow of other  
21                  types of businesses that we want to do that,  
22                  too.

23                 So, you know, it creates a problem.

24                 COUNCILMAN HESTER: The thing is, Mr.  
25                 Johnson, it's 182?

1 COUNCILMAN BEACHAM: 182.

2 COUNCILMAN HESTER: Any other discussion?

3 COUNCILMAN CILELI: My concern is the  
4 burden that's going to be on the schools.  
5 We're looking at 111 more students with three  
6 schools, bringing the costs to close to \$2  
7 million.

8 COUNCILMAN HESTER: There's a letter here  
9 from Miami Dade County Public Schools. On  
10 page 15, you might like to look at that, to  
11 see what the schools had to say with regard to  
12 that.

13 COUNCILMAN BEACHAM: Only thing they say  
14 is they're giving an analysis of what it  
15 meant.

16 COUNCILMAN CILELI: There is no impact on  
17 the five year plan.

18 COUNCILMAN CARSWELL: Right now --

19 COUNCILMAN HESTER: Go ahead, Ms.  
20 Carswell.

21 COUNCILMAN CARSWELL: Right now, I think  
22 that would be a problem with the school  
23 because we have Lillie C. Evans, Liberty City  
24 and Poinciana Park, and those people are  
25 moving out of that Scott Homes, so that's

1 making space in those schools. Lillie C.  
2 Evans would be probably the closest school  
3 there.

4 COUNCILMAN HESTER: One of the things I  
5 was looking at is that when we do the zoning  
6 change to RU-4M, basically what happens if I  
7 know we have a Covenant, but basically what  
8 happens is that opens the doors for other  
9 people to come in and do the same thing, or  
10 did the Covenant eliminate that or stop that  
11 from happening?

12 COUNCILMAN BEACHAM: On this particular --

13 COUNCILMAN HESTER: The Covenant stop --  
14 where this is the only particular facility  
15 that can come in there with RU-4?

16 MR. ROLLE: Yes, the Covenant will run  
17 with the land on this particular project.

18 MR. COLEMAN: The Covenant strictly tells  
19 them how many units they can build, and that's  
20 what they're held to.

21 MR. ROLLE: No, any other zone changes  
22 would come before this Board, so it would be  
23 up to this Board to look at what it has  
24 approved in the past if it's going to make a  
25 decision on that.

1 MR. PROCTER: Mr. Chairman?

2 COUNCILMAN HESTER: Yes.

3 MR. PROCTER: At the appropriate time, and  
4 I don't know if that's now or not, I would  
5 like to ask you to allow our team to address,  
6 at least, the school issue.

7 I don't know if now is the right time or  
8 not.

9 COUNCILMAN HESTER: Basically, we closed  
10 the public hearing.

11 MR. COLEMAN: The public hearing is  
12 closed, and it's up to the Board Members to  
13 discuss the issues. If there is --

14 MR. ROLLE: Mr. Chair, as the County  
15 Attorney said, it's up to the Board. Just  
16 keep in mind that opening the hearing again  
17 means opening the hearing for everything  
18 again.

19 COUNCILMAN HESTER: My question is: Is  
20 there any picture of what you plan to do or  
21 the complex or anything of that nature?

22 MR. PROCTER: Yes.

23 COUNCILMAN HESTER: I'd like to see  
24 pictures, if there are pictures.

25 MR. PROCTER: I'll walk it forward.

1 COUNCILMAN HESTER: And that's, basically  
2 the front?

3 You might want to show it to some of the  
4 people out there.

5 COUNCILMAN JOHNSON: That's the 22<sup>nd</sup> Avenue  
6 view?

7 MR. PROCTER: That's correct.

8 COUNCILMAN HESTER: That's correct,  
9 because the urban design is designed to put  
10 the cars in the back.

11 COUNCILMAN CARSWELL: But then he said the  
12 one he had in the northeast section they had  
13 garages underneath it, which cars could park  
14 and wouldn't be on the street or in the  
15 parking lot. They were in garages. So, I was  
16 just saying, he was saying that at one in the  
17 northeast section, they have three garages for  
18 the complex. I'm talking too much, I guess,  
19 but I would just like to see, if you are going  
20 to bring apartments in this area, to put  
21 businesses underneath, and that way, you have  
22 -- you know, and that's what we've been  
23 talking about, you don't have to get in the  
24 car. Well, up there, you are close to 79<sup>th</sup>  
25 Street, where there are some shops and all,

1 but everybody just wants to bring housing in,  
2 and we need something where we have some  
3 businesses in this community.

4 MR. PROCTER: Mr. Chairman, may I respond  
5 to that comment?

6 COUNCILMAN HESTER: Go ahead. Go ahead.

7 MR. PROCTER: Thank you.

8 To Ms. Carswell, also Mr. Morley, I  
9 appreciate the good faith of your comments and  
10 your concerns. This property, as you know,  
11 and Mr. Morley made reference to it, is on  
12 22<sup>nd</sup> Avenue, a half a block, essentially south  
13 of 79<sup>th</sup> Street.

14 We analyzed the property for a number of  
15 uses. It is zoned right now in the front for  
16 business.

17 The zoning that exists and the pattern  
18 that exists -- what the County will support is  
19 a very limited depth. It would not allow a  
20 great deal of commercial. But more  
21 importantly, I think we're talking again about  
22 property that's half a block south of 79<sup>th</sup>  
23 Street.

24 In our review of this application and  
25 Pinnacle's review of it, we feel like this



1 project would bring the customers, if you  
2 will, that critical mass, that businesses are  
3 looking for, when businesses look to go in an  
4 area, whether it be 79<sup>th</sup> Street or somewhere  
5 else, they're looking for some critical mass  
6 of people, of customers close by, people that  
7 have income and buying power.

8 And when we look at this property as a  
9 whole, that's really where it came down. It's  
10 a property where on, directly on 79<sup>th</sup> Street,  
11 I think our fact situation and our analyses  
12 probably would have been different. But the  
13 property is a half a block removed from 79<sup>th</sup>.

14 And we think that when you look at urban  
15 planning -- and I'm not an expert on  
16 charrette, like you look at those kinds of  
17 things, what you're looking at is having the  
18 main corridor with your main business, in this  
19 case 79<sup>th</sup> Street, and having it as close as  
20 you can, compatibly with as many customers as  
21 you can that will be compatible. That's what  
22 we're trying to do. And, obviously, we're not  
23 providing all of the different components.

24 We're not providing the business, and I  
25 appreciate the tone of your comments. But

1 we're providing that critical mass of  
2 customer, that buying power, that would,  
3 hopefully, encourage the birth and rebirth, if  
4 you will, of 79<sup>th</sup> Street, right at our door  
5 and to the north.

6 Thank you.

7 COUNCILMAN HESTER: The public hearing is  
8 closed.

9 UNIDENTIFIED SPEAKER: I want to rebut  
10 to --

11 COUNCILMAN HESTER: Sir, the hearing is  
12 closed.

13 UNIDENTIFIED SPEAKER: I'm not talking on  
14 the public hearing.

15 COUNCILMAN HESTER: You can't respond.

16 MR. DRUCKER: Sir, sir --

17 UNIDENTIFIED SPEAKER: About the spirit of  
18 what's going on --

19 MR. DRUCKER: Sir, sir, I'm sorry.

20 UNIDENTIFIED SPEAKER: I'm saying what  
21 this lady -- what this --

22 MR. DRUCKER: Sir, we can't allow you  
23 to --

24 UNIDENTIFIED SPEAKER: So, I can't respond  
25 to what he just responded to, even though this

1 is going against what happened under the Hope  
2 6 project? They're fighting the spirit of the  
3 Hope 6 project by adding on more people. They  
4 can't come and do things like that. That's  
5 wrong. That's dead wrong.

6 MR. DRUCKER: Sir, you cannot --

7 UNIDENTIFIED SPEAKER: You allowed him to  
8 speak and say --

9 MR. DRUCKER: We really want to hear  
10 everything.

11 UNIDENTIFIED SPEAKER: The Chairman  
12 allowed him to speak. You was outside.

13 The Chairman allowed him to speak while  
14 you was gone, and all I'm doing is rebutting  
15 her comment. That's all --

16 COUNCILMAN HESTER: That's not the case,  
17 but that's enough, now. The public hearing is  
18 closed.

19 Any other discussion? Any other  
20 discussion? Any more discussion?

21 I'll call.

22 MR. DRUCKER: Sir, we really want you to  
23 hear everything, and I apologize, but the  
24 rules are the rules.

25 UNIDENTIFIED SPEAKER: That's just wrong.

1 (Unintelligible).

2 COUNCILMAN HESTER: No, that's not the  
3 case. But that's enough, now. That's enough.  
4 The public hearing is closed. That's enough,  
5 now.

6 Any more discussion? Any more  
7 discussion?

8 I'll call a question.

9 We need a motion.

10 COUNCILMAN RUDOLPH: I make a motion to  
11 approve as described in the zoning  
12 requirements.

13 MR. DRUCKER: Okay. With the proper  
14 Covenants?

15 COUNCILMAN RUDOLPH: Yes.

16 COUNCILMAN HESTER: There has been a  
17 motion moved by Ms. Rudolph to approve the  
18 Department Zoning Covenants.

19 Can I get a second?

20 COUNCILMAN CILELI: Second.

21 COUNCILMAN HESTER: Seconded by Ms.  
22 Cileli.

23 Can we call the vote?

24 THE CLERK: Yes.

25 Motion for approval of application as per

1 staff's recommendation and acceptance of  
2 proffered Covenant.

3 Ms. Cileli?

4 COUNCILMAN CILELI: Yes.

5 THE CLERK: Mr. Johnson?

6 COUNCILMAN JOHNSON: No.

7 THE CLERK: Mr. Morley?

8 COUNCILMAN MORLEY: No.

9 THE CLERK: Ms. Rudolph?

10 COUNCILMAN RUDOLPH: Yes.

11 THE CLERK: Ms. Beacham?

12 COUNCILMAN BEACHAM: No.

13 THE CLERK: Mr. Hester?

14 COUNCILMAN HESTER: No.

15 THE CLERK: The County --

16 COUNCILMAN CARSWELL: You didn't get my  
17 vote.

18 THE CLERK: Ms. Carswell?

19 COUNCILMAN CARSWELL: No.

20 THE CLERK: Motion failed four to three.

21 COUNCILMAN HESTER: Okay.

22 If there is not any other applications  
23 for this meeting, the meeting is adjourned.

24 (Thereupon, at 8:50 p.m., the meeting was  
25 adjourned.)

REPORTER'S HEARING CERTIFICATE

STATE OF FLORIDA :  
COUNTY OF DADE :

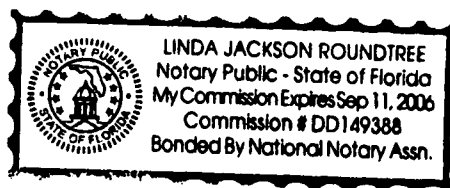
I, LINDA JACKSON ROUNDTREE, Shorthand Reporter,  
certify that I was authorized to and did  
stenographically report the hearing in the above-styled  
cause and that the foregoing constitutes a true and  
correct transcription of my shorthand report of the  
said hearing.

I further certify that I am not a relative,  
employee, attorney or counsel of any of the parties,  
nor am I a relative or employee of any of the parties'  
attorneys or counsel connected with the action, nor am  
I financially interested in the action.

Dated this 7<sup>th</sup> day of February 2003.

*Linda Jackson Roundtree*

LINDA JACKSON ROUNDTREE  
Notary Public  
State of Florida at Large



**02-265 CZ8 S & D Land Development, Inc.  
Analysis of Development Impact on Educational Facilities**

**RECEIVED**  
**MAR 04 2003**

**Revised 2/28/03**

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

The property is a vacant parcel and is currently zoned BU-2 and RU-1; however, a ~~variance was granted in 1985~~ that would allow 52 multi-family units to be constructed on site. The CDMP land use designation is medium density residential (13-25 du/ac). Based on the 1985 variance, the parcel currently has the potential of generating 32 students (17 elementary, 8 middle, 7 senior high). The proposed development will consist of not more than 180 multi-family units. The potential additional student impact of this development is 128 additional units generating 78 new students (42 elementary, 19 middle, 17 senior high). The MDCPS analysis indicates 111 additional students however, their calculations are based on a 22 existing unit potential rather than the approved 52 unit allotment.

Schools in the immediate area	Membership October 2002	FISH Design Capacity Permanent As reported in the 2002-03 MDCPS Adopted Five-Year Work Program	% Utilization FISH Design Capacity Permanent	Permanent/Temporary Utilization	Average Class Size As reported in the 2002-03 MDCPS Adopted Five-Year Work Program	
					2001-02	Projected 2006-07
L.C. Evens Elementary	291	785	37%	37%	9	6
Charles Drew Middle	1296	1400/1260@90%	103%/ 93% full capacity	85%	28	26
Miami-Northwestern Senior High	3134	2690/2555@95%	123%/117% full capacity	117%	21-29	N/A
Adjacent Attendance Boundaries						
Arcola Lake Elementary	637	853	77%	72%	18	17
Miami Edison Middle	1014	1488/1339@90%	76%/68% full capacity	68%	21	19
Miami Central Senior	2869	2896/2751@95%	104%/99% full capacity	88%	29	30

All Information is per the adopted 2002-03 MDCPS facilities five-year work program

**Notes:**

- Student calculation** In general, Miami Dade County Public Schools (MDCPS) bases its student calculation on the difference between the number of students to be generated from the proposed application and the number of students to be generated from units that can be built as a matter of right without a public hearing. In this case, the student calculation is based on the difference

between the students to be generated from 52 multi-family units (32 students), allowed under the existing zoning designations with the 1985 variance and the students to be generated based on 180 multi-family units (110 students) allowed under the proposed zoning, including the proffered covenant limiting the units to 180. Therefore, this proposed development will generate 78 new students.

2. **Permanent Capacity Calculation** on permanent capacity is based the official 20 day membership count to determine utilization figures, as this is the official count of students reported to the state. Further, it is important to note that MDCPS is reporting capacity based on FISH design Capacity (not student stations). At the middle school level and senior high level that translates into a reduction of student stations when calculating actual utilization rates. In other words, when the district is reporting a utilization rate for Drew Middle the calculations are based on 90% of the available student stations and for Miami-Northwestern they are based on 95% of the available student stations.

The elementary school impacted by this proposed development (LC Evens), as well as the elementary immediately adjacent to that attendance boundary (Arcola Lake) are well below 100% of permanent capacity. Both the impacted middle school and senior high are below 125% of permanent capacity, well within the capacity figures contained in the Educational Element of the CDMP and under the capacity levels on which impact fees were based (approximately 125%).

**Drop in enrollment in the area** – At its meeting of February 12, 2003 the School Board of Miami-Dade County authorized a change in its five-year work program moving a planned addition/conversion to a K-8 center of the Lillie C. Evens Elementary School to Eugenia B. Thomas Elementary and the submission of a request to the Department of Education to amend the Bond Resolution to use the funds at the Eugenia B. Thomas Elementary School (Doral Area) site in lieu of the Lillie C. Evens school site. In School Board Agenda Item E-2, staff justifies this relocation of resources by reporting that there has been “a substantial drop in enrollment at L.C. Evens to 284 students as of 12/07/02 with a resulting FISH utilization rate of 36.17%...” Therefore it can be concluded that there is in fact available capacity within area schools to absorb the future impacts of this proposed development.

3. **Attendance boundaries.** The School Board of Miami-Dade County has the ability to change attendance boundaries each and every year. The intent of attendance boundary modifications is, in part, to ensure that student population is uniformly distributed and school facilities are efficiently utilized. In other words, if there was one school that was overcrowded next to one that was underutilized, the School Board could choose to modify the attendance boundaries to more evenly distribute the students.

The schools indicated in the table above represent those schools within the immediate vicinity of the application site. As indicated above students residing in this development would currently attend LC Evens Elementary which is at 37% with **494 available permanent seats**, however even if this development was located several blocks to the east, in the adjacent elementary boundary, these students would attend Arcola Lake Elementary which currently has **216 available permanent seats**, far more than the projected 42 new elementary students generated by this application. As to the middle school, it is noted above that students from this development would currently attend Drew Middle School at 103% (93%) of capacity, however Miami Edison Middle



School, with an attendance boundary immediately adjacent to Drew's, is currently at 76% (68%) of permanent capacity with a membership of 1014 students. Therefore, Miami-Edison Middle currently has 325 available permanent seats, far exceeding the projected 19 additional middle schools students that would be added by this development.

4. **Additional Capacity through Charter Schools** – the Florida Department of Education Choice Office indicates that as of October 30, 2002, there are currently 59 approved charter applications or schools in Miami-Dade County, with a potential for a total enrollment of 41,179. Further, the District's recently adopted board rule on site selection approved by the School Board on 12/12/2001 specifically requires that one of the criteria to be used in evaluating and selecting site for locating educational facilities shall address "Whether there are pending or approved charter school applications which would impact the proposed educational facility..." Board Rule 6Gx13-2C-1.083
5. **Impact Fees** This development will pay school impact fees based on the square footage of the units. Based on the adopted formula [ $\$600 + (.90 \times \text{Unit Size}) \times 1.02$ ] this development will pay approximately \$ 275,000 in school impact fees for 180 MF units (180 average 1000 sq. ft. unit). In summary, we offer that this development application is in compliance with the CDMP regarding its impacts to the educational facilities within the surrounding area and does not present an undue burden to the public educational facilities for the following reasons:
  - All of the schools impacted are well below the desired LOS specified in the CDMP.
  - This proposed re-development will only generate and additional 78 students based on the applicant's proffered covenant to limit the development to 180 units.
  - There is ample capacity in the schools surrounding the proposed development and the School Board has the ability to modify attendance boundaries on an annual basis to more evenly distribute students.
  - The District overall is getting public student station relief in the form of public charter schools of up to 41,179 student stations, thus freeing up more seats and funding for additional school construction.
  - At its meeting of February 12, 2003 the School Board of Miami-Dade County authorized a change in its five-year work program moving a planned addition/conversion to a K-8 center of the Lillie C. Evens Elementary School to Eugenia B. Thomas Elementary. In School Board Agenda Item E-2, staff justifies this relocation of resources by reporting that there has been "a substantial drop in enrollment at L.C. Evens to 284 students as of 12/07/02 with a resulting FISH utilization rate of 36.17%..." Therefore it can be concluded that there is in fact available capacity within area schools to absorb the future impacts of this proposed development.
  - This development will be paying approximately \$275,000 in school impact fees to offset any impact to District's capital facilities.

Office of Superintendent of Schools  
Board Meeting of February 12, 2003

January 29, 2003

Business Operations  
Larry W. Stanearth, Chief Business Officer

**SUBJECT: AUTHORIZATION TO CHANGE THE K-8 CENTER FORMERLY  
APPROVED FOR LILLIE C. EVANS ELEMENTARY SCHOOL  
LOCATED AT 1895 N.W. 75<sup>TH</sup> STREET, TO EUGENIA B.  
THOMAS ELEMENTARY SCHOOL LOCATED AT 5950 N.W.  
114<sup>TH</sup> AVENUE**

**COMMITTEE: FACILITIES PLANNING AND CONSTRUCTION**

Background

The School Board approved 5-Year Work Program contains an appropriation for the conversion of Lillie C. Evans Elementary (L.C. Evans) to a K-8 facility. A substantial drop in enrollment at L.C. Evans to 284 students as of 12/07/02 with a resulting F.I.S.H. utilization rate of 38.17%, has negated the need for the previously contemplated conversion. Review of growth trends in that same region by the Region Superintendent and other School District staff, indicates that Eugenia B. Thomas Elementary School (Eugenia B. Thomas) would be a suitable host site for the relocation of the proposed K-8 conversion project. As of 12/07/02 the F.I.S.H. utilization rate of that school 121.19%.

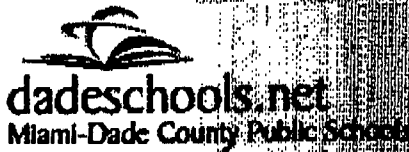
These trends were discussed with the School Site Planning and Construction Committee (SSPCC) at its meeting of January 9, 2003, after which the SSPCC voted 5-0 to recommend to the School Board approval of the K-8 relocation from L.C. Evans to Eugenia B. Thomas.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida authorize the Superintendent to:

1. change the K-8 Center formerly approved for the Lillie C. Evans Elementary School site to the Eugenia B. Thomas Elementary School site;
2. submit a request to the Department of Education to amend the Bond resolution to use the funds at the Eugenia B. Thomas Elementary School site in lieu of the Lillie C. Evans Elementary School site;
3. submit a survey recommendation to the Department of Education to provide the K-8 Center at the Eugenia B. Thomas Elementary School site in lieu of the Lillie C. Evans Elementary School site;
4. authorize the appropriate revision to the five-year work program and the transfer of funds previously assigned to the K-8 Center at the Lillie C. Evans Elementary School to the Eugenia B. Thomas Elementary School site pending approval by the Department of Education; and
5. amend the A/E contract to design the K-8 Center at the Eugenia B. Thomas Elementary School site in lieu of the Lillie C. Evans Elementary School site.

SAM:ARC:sma

## Excerpts from Unofficial Minutes



HOME

SCHOOL BOARD

CU

## The School Board of

## Excerpts of Unofficial Meeting Minutes

February 12, 2003

RECEIVED

MAR 04 2003

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY \_\_\_\_\_

The School Board publishes MINUTES of its meetings as soon as possible after each meeting. The EX from the latest meeting are provided below as an unofficial review of the actions taken. Citizens may ar review the official minutes by calling the Department of Information Services at 995-1126.

## THE SCHOOL BOARD OF DADE COUNTY, FLORIDA

Miami, Florida

## Excerpts from Unofficial Minutes of February 12, 2003 Board Meeting

APPROVED Bid Opening Lists of January 14, 16, 21, 23, 28 and 30, 2003

APPROVED Minutes of the January 15, 2003 School Board meeting.

**\*103,806 A-1 RECOGNIZED** The Miami-Dade County Public Schools 2002 National Board Certified Teachers and honored them for their achievement. **\*(revised)**

**\*103,806A A-2 RECEIVED** The annual report of the activities of the Investment Advisory Committee for **\*(revised)**

**103,807 A-3 ACCEPTED** A grant award from the Florida Department of Education, in the amount of \$2, for funding the Enhancing Education through Technology Part I Grant, under the Elementary and Secondary Education Act: No Child Left Behind, Project Cycle: November 19, 2002 through June 30, 2004.

**103,808 A-4 INITIATED** Rulemaking proceedings in accordance with the Administrative Procedure Act to amend Board Rule 6Gx13-7B-1.02, Architectural, Engineering and Inspection Services – Authority of Superintendent of Schools to Employ.

**\*\*\*\* A-5 WITHDREW** Entering into an agreement with UNICCO Service Company for a period of two years all-inclusive costs.

**103,809 B-1 ENTERED** Into a cooperative agreement with the Overtown Youth Center, Inc., to provide mentoring services to selected elementary and middle school students, effective February 13, 2003 through June 30, 2003.

**\*\*\*\* B-2 WITHDREW** Contractual agreement with Florida International University to fund the cost of hiring

**Excerpts from Unofficial Minutes**

associate director and a secretary to facilitate the implementation of the Miami-Dade Area Center for Educational Enhancement (M-DACEE) grant program, in an amount not to exceed \$109,108, from Sept 10, 2002 through June 30, 2003.

**103,810 B-3 ENTERED** Into a contractual agreement with Linda Kobylarz & Associates to provide cons and support services to the Office of Exceptional Student Education and Student/Career Services for th Standards-Based Student Career Development and Self-Determination Project, in an amount not to exc \$30,350, effective February 13, 2003 through June 30, 2003.

**103,811 B-4 AUTHORIZED** The issuance of a Request for Proposals from agencies to provide cost rec Medicaid Fee-For-Service, from July 1, 2003 through June 30, 2004.

**103,812 B-5 AUTHORIZED** The issuance of a Request for Proposals for mental health professionals/ag provide counselling services in 29 programs for emotionally handicapped student, in an amount not to e \$1,266,300, effective July 1, 2003 through June 30, 2004.

**103,813 B-30 AUTHORIZED** The expulsion of the student specified in the supplemental material SM-56 2003).

**103,814 B-31 AUTHORIZED** The expulsion of the student specified in the supplemental material SM-58 2003).

**103,815 B-32 AUTHORIZED** The expulsion of the student specified in the supplemental material SM-60 2003).

**103,816 B-33 AUTHORIZED** The expulsion of the student specified in the supplemental material SM-62 2003).

**103,817 B-34 AUTHORIZED** The expulsion of the student specified in the supplemental material SM-63 2003).

**103,818 B-35 AUTHORIZED** The expulsion of the student specified in the supplemental material SM-72 2003).

**103,819 B-36 AUTHORIZED** The expulsion of the student specified in the supplemental material SM-78 2003).

**103,820 B-37 AUTHORIZED** The expulsion of the student specified in the supplemental material SM-80 2003).

**103,821 B-38 AUTHORIZED** The expulsion of the student specified in the supplemental material SM-81 2003).

**103,822 B-39 AUTHORIZED** The expulsion of the student specified in the supplemental material SM-84 2003).

**103,823 B-60 ACCEPTED** The grant awards from the Florida Department of Education, in the total amo \$30,000, for funding under the Public Charter School Federal Grant Program and entered into separate contractual agreements with The Miami-Dade Charter Foundation, Inc.

**103,824 B-61 ACCEPTED** A donation from Washington Mutual Bank, in the amount of \$7,000, for fundi School of Change program, Project Cycle: February 13, 2003 through December 31, 2003.

**103,825 B-62 ACCEPTED** Grant awards from the Florida Department of Education, in the amount of \$1 under the Carl D. Perkins Vocational and Technical Education Act of 1998, and entered into contractual agreements, in the amount of \$48,225 each.

**103,826 B-63 ACCEPTED** The amended grant awards from the Florida Department of Education, in the amount of \$309,900: April 23, 2002 through June 30, 2003.

**103,827 B-64 ACCEPTED** A grant award from the Florida Department of Education, Florida Partnership

## Excerpts from Unofficial Minutes

Page 3 of 9

School Readiness, Agency for Workforce Innovation, in the amount of \$175,083, for funding the Even St Family Literacy Continuation Grant, Project Cycle: October 1, 2002 through June 30, 2003.

**103,828 B-65 ACCEPTED** A grant award from the Florida Department of Education, in the amount of \$6 for funding the Governor's Mentoring Initiative Program, Project Cycle: July 1, 2002 through June 30, 20

**103,829 B-75 ENTERED** Into contracts with the following sites at a cost not to exceed \$200,640 for grad exercises, rehearsals, and associated costs of auxiliary services, which include, but are not limited to, stagehands, electricians, ushers, police, audio-visual equipment, plants, chairs, and parking, etc.

**103,830 B-76 APPROVED** The out-of-country field trip to Paris, France and London, England, for students at Coral Gables Senior High School, from March 27, 2003 through April 2, 2003.

**103,831 B-77 APPROVED** The out-of-country field trip to Madrid, Spain, for students at Coral Way Elem and Sunset Elementary schools, from March 12, 2003 through March 27, 2003.

**103,832 B-78 APPROVED** The out-of-country field trip to Toronto and Ontario, Canada, for students at Middle School, from May 8, 2003 through May 12, 2003.

**103,833 B-79 APPROVED** The out-of-state field trip to Tallahassee, Florida and Atlanta, Georgia, for students at Coral Reef Senior High School, from March 19, 2003 through March 23, 2003.

**\*\*\* B-80 WITHDREW** The out-of-country field trip to Baku, Azerbaijan, for students at Hialeah Senior High School, from March 25, 2003 through April 24, 2003.

**103,834 C-20 INITIATED** Rulemaking proceedings in accordance with the Administrative Procedure Act amend School Board Rule 6Gx13- 8C-1.21, Lobbyists.

**103,835 D-1 DISCUSSED\*** New Business: Board Members

**103,835A \*\*\* RECONSIDERED** The action taken on Agenda Item A-1, at the December 11, 2002 School meeting: "... that an amendment authorizing the Superintendent of Schools and his staff to advocate with Department of Defense and M-DCPS federal representatives for authorization and funding of a JROTC at Barbara Goldman Senior High," but expand to seek appropriation for all senior high schools.

**103,836 D-2 DIRECTED** The Superintendent of Schools to provide a report outlining the initiatives, interventions, and strategies used in Miami-Dade County Public Schools that maximize the success of students passing the Florida Comprehensive Assessment Test (FCAT), especially as a safeguard that all graders are not left behind.

**103,837 D-3 DIRECTED** The Superintendent of Schools to provide a report outlining the initiatives, interventions, and strategies used in Miami-Dade County Public Schools that maximize the success of students passing the Florida Comprehensive Assessment Test (FCAT), especially to ensure that high school students graduate with a Standard Diploma.

**103,838 D-4 APPROVED** Resolution No. 03-10 of The School Board of Miami-Dade County, Florida, on February 2003 as National Black History Month to be celebrated in all of Miami-Dade County's public schools.

**103,839 D-5 APPROVED** Resolution No. 03-13 of The School Board of Miami-Dade County, Florida, designating March 2003 as Women's History Month to be celebrated in all of Miami-Dade County's public schools.

**103,840 D-6 INITIATED** Rulemaking proceedings in accordance with the Administrative Procedure Act to promulgate new School Board Rule 6Gx13-8C-1.141, Meetings—Member Conferences.

**103,841 D-7 VOTED\*** To suspend rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rule 6Gx13-8C-1.23, School Board Committee Structure.

\* Amended to implement a 6-month trial pilot program composed of four committees.

**103,842 D-8 AUTHORIZED** The renewal of its endorsement of Feria Olé, April 19, 2003, at Emerson

## Excerpts from Unofficial Minutes

Page 4 of 9

Elementary School and encouraged continued District and School participation.

**103,843 D-9 APPROVED** Resolution No. 03-14 of The School Board of Miami-Dade County, Florida, on the state resolution supported by Governor Jeb Bush, declaring the week of February 9-15, 2003, as Florida Career and Technical Education Week, and informed administrations to promote related activities in all Dade County Public Schools.

**103,844 D-10 APPROVED** Resolution No. 03-15 of The School Board Of Miami-Dade County, Florida, recognizing Ms. Eva Hernandez, Miami-Dade County Public Schools Teacher Of The Year.

**103,845 D-11 DIRECTED** The Superintendent of Schools to create a committee to identify Miami-Dade Public Schools' historically significant building.

**103,846 D-12 FAILED** To reinstitute two regularly scheduled School Board meetings per month and to e a monthly agenda briefing session for the School Board.

**103,847 D-13 APPROVED** Resolution No. 03-12 of The School Board of Miami-Dade County Florida, recognizing Ms. Zyria Alexander, fifth-grade student at School Lake Elementary School for winning first the Governor of Florida's annual Black History Month "Remembering the Past, Celebrating the Future" a contest.

**103,848 D-14 DIRECTED\*** The Superintendent to have staff design and publish a magazine profiling all Teacher of the Year nominees and winners on an annual basis.

\* Amended (1) to use Title Two monies for funding; and, (2) to give the Superintendent the expiration pr design the item and bring it back, so that precise cost is provided.

**103,849 D-15 DIRECTED** The Superintendent to provide a report on the current status of Fire Safety Deficiencies as reported in *The Miami Herald* on February 12, 2003.

**103,850 \*\*\* CONVENED** A meeting of the Board of Directors of the Miami-Dade County School Board Foundation, Inc., during which time it took action with respect to the following:

\* Adopted Resolution 03-1, Authorizing Execution of:

- a) Supplemental Trust Agreement 2003A, 2003B, & 2003C
- b) Amended and Restated Schedule

**103,851 E-1 AWARDED** The five-year work program to provide for the construction of a P.E. Shelter and Room Facilities for a total project cost of \$1,491,052 at Ammons Middle School as generally described.

→ **103,852 E-2 AUTHORIZED** To change the K-8 Center formerly approved for the Lillie C. Evans Elementary School site to the Eugenia B. Thomas Elementary School site. ←

**103,853 E-3 DIRECTED** The Superintendent to actively pursue resolution of any remaining items require the City of Miami as part of the closure of N.E. 1 Court, and to seek elimination or reduction from the City Miami-Dade County of the requirement for the water main extension along N.E. 15 Street, from Biscayne Boulevard to N.E. 1 Court.

**103,854 E-4 AUTHORIZED** The execution of a fourth lease amendment with Miami Shores/Barry Univer "Connected Learning Community" (CLC), Inc., for the use of six Board-owned portable classrooms, for a additional three-year period commencing July 1, 2003 and ending June 30, 2006, at a first year rental ra \$35,568, and in conformance with the other terms and conditions set forth.

**103,855 E-5 ENTERED** Into an agreement with the City of North Miami Beach for the development by th the north side of the N.E. 177<sup>th</sup> Street right-of way, between Northeast 15<sup>th</sup> Avenue and 16<sup>th</sup> Avenue, ad Reynolds Park Elementary as generally described above.

**\*\*\* E-6 WITHDREW** An increase in the design capacity of the Miami Jackson Senior High School (S/S " replacement project from 2,858 student stations to 3,600 student stations.

## Excerpts from Unofficial Minutes

**103,856 E-7 AUTHORIZED** The exploration with Miami-Dade County and/or other agencies a Memorandum Agreement, to exchange the School Board's contingent rights to land and grant monies designated for an aviation/vocational facility at the former Homestead Air Force Base for a site suitable for the construction of more K-12 facilities, or other allowable school district uses.

**\*\*\*\* E-8 WITHDREW** Authorization to execute The State Mandated Interlocal Agreement between The School Board of Miami-Dade County, Florida, and all Nonexempt Local Governments and Miami-Dade County, The Regulations of Chapter 1013, Florida Statutes, which document was substantively revised since the January 15, 2003 School Board Meeting.

**103,857 E-9 AUTHORIZED** The investigation of the feasibility of constructing a running track, to be jointly by Florida Memorial College and Jan Mann Opportunity School, and to report the results of this investigation to the Board at an upcoming Board meeting.

**103,858 E-15 AUTHORIZED** An amendment to the agreement with Santos/Raimundez Architects, P.A., as Project Architect for the addition project at South Miami Senior High School, Project No. A0747.

**103,859 E-16 AUTHORIZED** The Superintendent to commit funds not exceeding \$70,000 in support of the T. MacDonald Foundation School Health Initiative through the University of Miami School of Medicine in up, access, and utilities required for the relocatable clinic to be placed at John F. Kennedy Middle School.

**103,860 E-17 TABLED\*** The request to award Project No. A0746/ A0746A, Design-Build, Addition, Renovation and Renovations, Miami Coral Park Senior High School.

\* To allow the Board members to see the outcome of the protest.

**\*\*\*\* E-18 WITHDREW** The GMP for James B. Pirtle Construction Co., Inc., Project No. A0825S2501-C Portable Classrooms Replacement, Holmes Elementary School.

**103,861 E-19 CONFIRMED** Change Order No. 1 on Project No. A-0511, Additions, Remodeling and Renovations, Kinloch Park Elementary School for an additional cost of \$49,786.

**103,862 E-20 CONFIRMED** Change Order No. 4 on Project No. A-0530, Additions, Remodeling and Renovations, Miami Lakes Middle School.

**103,863 E-21 CONFIRMED** Change Order No. 5 on Project No. A-0702, New Prototypical Elementary School, Eugenia B. Thomas Elementary School.

**103,864 E-22 CONFIRMED** Change Order No. 4 on Project No. A0748, Design-Build, State School "PP A. Ferguson Senior High School.

**\*\*\*\* E-50 WITHDREW** Final Change Order No. 3 on Project No. KV0021, Roof Replacement/Site Drainage Redland Middle School.

**103,865 E-60 ADOPTED** Resolution No. 03-06 proclaiming March 3-7, 2003 as National School Breakfast Week.

**103,866 E-61 ENTERED** Into a contractual agreement with Urgent, Inc., for the Department of Food and Nutrition to provide snacks for participants in after school care program in an amount not to exceed \$11, from February 13, 2003 through June 11, 2003.

**103,867 F-2 RECEIVED** The Internal Audit Report – Audit of the Internal Funds of Selected Region II Schools January 2003, presented by the Office of Management and Compliance Audits.

**103,868 F-3 RECEIVED** The Internal Audit Report – Audit of the Internal Funds of Selected Region VI Schools January 2003, presented by the Office of Management and Compliance Audits.

**103,869 F-4 RECEIVED** The Internal Audit Report – Audit of the Internal Funds of Selected Schools and Centers, January 2003, presented by the Office of Management and Compliance Audits.

**103,870 F-5 RECEIVED** The Internal Audit Report – Audit of the Magnet Educational Choice Association



## Excerpts from Unofficial Minutes

(MECA) for the Fiscal Year Ended June 30, 2002, presented by the Office of Management and Compliance Audits.

**103,871 F-6 RECEIVED** The Internal Audit Report – Audit of the Miami-Dade Coalition for Community Education, Inc., for the Fiscal Year Ended June 30, 2002, presented by the Office of Management and Compliance Audits.

**103,872 F-7 RECEIVED** The external audit reports of the community-based organizations listed above, presented by the Office of Management and Compliance Audits.

**103,873 F-11 AUTHORIZED** The execution of the Absolute Bill of Sale for water facilities at the State Sc "SS" at the Allapattah Middle School site, Project No. A0714, in favor of Miami-Dade County.

**103,874 F-12 AUTHORIZED** The execution of the water line easement at the F. C. Martin Elementary S Site, Project No. A0334, in favor of Miami-Dade County.

**103,875 F-13 AUTHORIZED** The execution of the water line easement at the G. W. Carver Middle Scho Project No. A0706, in favor of Miami-Dade County.

**103,876 F-14 AUTHORIZED** The involvement of Miami-Dade County Public Schools in a countywide sc supply collection sponsored by the American Red Cross Greater Miami & The Keys Chapter, from Febr 2003 through May 22, 2003.

**103,877 F-15 ACCEPTED** A donation in the amount of \$24,000 from South Florida Blood Banks to unde the cost of the Superintendent's Academic Awards Ceremony.

**103,878 F-16 AUTHORIZED** The suspension and initiation of dismissal proceedings against Mr. Gary G Custodian, at Campbell Drive Middle School, pending the outcome of a hearing, if requested.

**103,879 F-17 AUTHORIZED** The suspension and initiation of dismissal proceedings against Mr. Basil R Custodian, at Highland Oaks Middle School, pending the outcome of a hearing, if requested.

**103,880 F-18 AUTHORIZED** The suspension and initiation of dismissal proceedings against Mr. Frank Mortimer, Audio Visual Specialist, at North Miami Senior High School, pending the outcome of a hearing requested.

**103,881 F-19 AUTHORIZED** The suspension and initiation of dismissal proceedings against Mr. David Weiss, Audio Visual Foreperson, at South Maintenance Satellite, pending the outcome of a hearing, if requested.

**103,882 G-1 ADOPTED** Resolution No. 1, 2002-03 General Fund Mid-Year Budget Review, decreasing revenues, appropriations and reserves by \$(53,211,591).

**103,883 G-2 ADOPTED** Resolution No. 1, 2002-03 Capital Outlay Funds Mid-Year Budget Review, (a) recognizing new revenues, (b) amending appropriations, and (c) documenting changes in objects codes delineated in the Official Agenda.

**103,884 G-3 ADOPTED** Resolution No. 1, 2002-03 Other Federal Programs (Contracted Programs) Fu year Budget Review, increasing revenues and appropriations by \$38,933,878.

**103,885 G-4 APPROVED** Resolution No. 03-07, Certifying to the Florida Department of Education (FDO required assurances for the Application and Issuance of Qualified Zone Academy Bonds (QZABS); and to file application for QZABS with FDOE

**103,886 G-16 RECEIVED** The Monthly Financial Report for December 2002.

**103,887 G-17 APPROVED** The Non-Expendable Personal Property Inventory Deletions containing 2,71 in the amount of \$8,310,858 and Recoveries containing 21 items in the amount of \$34,087 to update the as indicated in October, November and December 2002 reports.

**103,888 G-31 AUTHORIZED** The reappointment of the continuing voting member for calendar year 200

## Excerpts from Unofficial Minutes

authorized the Superintendent of Schools to appoint the non-voting members to the Investment Committee appointed School Board Member Agustin Barrera to participate as a member in the Investment Advisory Committee for calendar year 2003.

**103,889 G-32 APPROVED** Resolution #03-11 (Exhibit A), Amending and Supplementing Resolution #03

**103,890 G-46 APPOINTED** The Chief Financial Officer, as reflected in the attached resolution, as the representative for the pursuit of Disaster Relief Funding from the Federal Emergency Management Agency (FEMA), through the Florida Division of Emergency Management.

**103,891 G-47 AUTHORIZED** The issuance of Request For Proposal (RFP) #083-CC10, Football Accide Insurance; approved the Ad-Hoc Committee; and appointed School Board Member Robert Ingram to ser the Ad-Hoc Committee.

**103,892 G-48 APPOINTED** Mr. George M. Burgess, Chief Financial Officer- Designate, to the open posi the second official representative of the Board to serve on the Vista Management Company 401(k) Advi Council.

**103,893 G-60 APPROVED** The supplemental award on the following term bids, inasmuch as the estima requirements, previously awarded by the Board, will be exceeded before the bid terms expire.

**103,894 G-61 RECEIVED** The report of purchases made within guidelines of Board Rule 6Gx13- 3C-1.1 Purchase Approval.

**103,895 G-62 RECEIVED** The report of purchases made utilizing other government bids.

**103,896 G-63 AUTHORIZED** The purchase of computer and related equipment, for an estimated amou \$7,000,000, utilizing the State of Florida Contract No. 250-000-03-1-IT Hardware, which expires on July 2005, in accordance with Board Rule 6Gx13-3C-1.10 – Non-salaried Expenditures – Purchase Approva

**103,897 G-64 AUTHORIZED** The extension of Contract No. 037-AA06 – Fitness Equipment and Supplie Catalog Discount/Markup, as delineated in the Official Agenda.

**103,898 G-65 AWARDED** Bid No. 047-CC10 – Asphalt Paving, Resurfacing and Drainage, to Inland Engineering Contractors, Inc.

**103,899 G-66 AUTHORIZED** The extension of Contract No. 267-ZZ03 – Beverages, Carbonated, as del in the Official Agenda.

**103,900 G-67 AUTHORIZED** The extension of Contract No. 030-BB03 – Cuban Bread and Pastries, to Express, Inc.

**103,901 G-68 AUTHORIZED** The extension of Contract No. 029-ZZ02 – Wastewater Treatment Facilitie Operate and Maintain, to Hand Utilities, Inc.

**103,902 G-69 AUTHORIZED** The extension of Contract No. 126-ZZ02 – Grease Trap, Septic Tank And Drain Pump Out and Repair Services, as delineated in the Official Agenda.

**103,903 G-70 AUTHORIZED** The extension of Contract No. 258-ZZ10 – Irrigation System Repair Servic Contract (rebid), to Vila and Son Landscaping Corporation.

**103,904 G-71 AUTHORIZED** The extension of Contract No. 025-BB10 – Consultant - Oversight Service Maintenance and Repair Of Elevators and Wheelchair Lifts, to Elevator Consulting & Maintenance Revie

**103,905 G-72 AUTHORIZED** The correct extension of Contract No. 022-AA02 – Soil Mix, as delineated Official Agenda.

**103,906 G-73 AWARDED** Bid No. 052-CC09 – Glazing Sheets (rebid), to Laird Plastic.

**103,907 G-74 AUTHORIZED** The extension of Contract No. 193-AA02 – Hollow Metal Doors And Fram

## Excerpts from Unofficial Minutes

Stock Items (rebid), to Firedoor Corporation.

**103,908 G-75 AWARDED** Bid No. 005-CC06 – Refrigerant Gases, to RTR Suppliers, Inc.

**103,909 G-76 AWARDED** Bid No. 051-CC09 – Plastic Laminate Sheets (rebid), Wilsonart International,

**103,910 G-77 AUTHORIZED** The extension of Contract No. 059-AA06 – Pest-Control Supplies, as delin the Official Agenda.

**103,911 G-78 AWARDED** Bid No. 042-CC07 – Petroleum Products - Oils, Lubes, Greases And Derivat (rebid), as delineated in the Official Agenda.

**103,912 G-79 AUTHORIZED** The extension of Contract No. 055-AA06 – Physical Education/Athletic Eq And Supplies, Catalog Discount, to purchase, as delineated in the Official Agenda.

**103,913 G-80 AWARDED** Balance Contract No. 141-BB06 – Lawn Equipment, Power, as delineated in Official Agenda.

**103,914 G-81 AUTHORIZED** The extension of Contract No. 024-BB10 – Outside Agency To Operate Commercial Vehicle Driving Program For Post-Secondary Students In South Miami-Dade County, Florid The Commercial Driver's License School, Inc.

**103,915 G-82 AWARDED** Bid No. 033-CC06 – Medical Equipment, Custom Wheelchairs, to Hollywood Supply.

**103,916 G-83 REJECTED\*** Request For Proposals No. 026-CC10 – Internet-Based Collaborative Const and Claims Reduction Support Services, to Emerging Solutions, Inc.

\* Postponed until the next Board meeting on the basis that information was given too late to review to th needed.

**103,917 G-84 AUTHORIZED** Partial Award Bid No. 006-CC03 – Fruit Juices, as delineated in the Officia Agenda.

**103,918 G-85 AWARDED** Request For Proposals No. 012-CC10 – Speech And Language Pathology S as delineated in the Official Agenda.

**103,919 G-86 AWARDED** Bid No. 024-CC10 – Demolition of Relocatables and Miscellaneous Structure delineated in the Official Agenda.

**103,920 G-87 AWARDED** Bid No. 038-CC10 – Maintenance of Seawater Aquarium Systems, to Tropica Habitats, Inc.

**103,921 G-88 REJECTED** Bid No. 016-CC08 – Doors: Wood, to permit rebidding.

**103,922 H-1 APPROVED** The instructional and non-instructional appointments, reassignments, leaves, separations as included in Personnel Action Listing 924.

**103,923 H-2 APPROVED** The recommended for appointments and lateral assignments of Managerial E Professional, and Technical Personnel for 2002-2003.

**103,924 H-3 ADOPTED** The personnel appointments calendar for the 2003-2004 school year pursuant t Florida Statute 1001.42 which requires that the Superintendent submit nominations for appointments for ensuing year within a certain time-frame.

**103,925 H-4 APPOINTED** Ms. Andria Meiri to the open, budgeted position of Budget Analyst, pay grade months, and assigned to Capital Construction Budgets and Controls, effective February 13, 2003, or as thereafter as can be facilitated.

**103,926 H-5 APPOINTED** Ms. Yulia Klimov to the open, budgeted position of Manager II, Data Systems

## Excerpts from Unofficial Minutes

grade 38, 12 months, and assigned to Capital Construction Budgets and Controls, effective February 13 or as soon thereafter as can be facilitated.

**103,927 H-6 APPOINTED** Mr. Anthony Gonzalez to the open, budgeted position of System Analyst I, pa 39, 12 months, and assigned to Information Technology Services, effective February 13, 2003, or as so thereafter as can be facilitated.

**\*\*\*\* H-7 WITHDREW** Appointment of Staff Specialist, Program Management, Division of Student Services/Department of Intervention Programs.

**\*\*\*\* H-8 WITHDREW** Cooperative agreement between Miami-Dade County Public Schools and The Edu Fund for the implementation of the New Teachers Mentoring Program, during the 2003-2004 school yea

**103,928 H-9 ENTERED** Into a contractual agreement with Skillssoft Corporation for \$50,000, from Febru 2003 through February 13, 2004.

**103,929 H-10 ENTERED** Into A collaborative agreement between Miami-Dade County Public Schools a Teach For America, Inc., for the implementation of the Teach For America program during the 2003-200 2005 and 2005-2006 school years, at a cost not-to-exceed \$300,000 over the three-year pilot period

**103,930 H-11 APPROVED** The instructional personnel assigned to teach out-of-field in the Basic Educa Program, Exceptional Student Education Program, K-12 Vocational Education Program, and English for Speakers of Other Languages (ESOL) Program for the 2002-2003 school year, FTE Survey 3 (February 2003).

Adjourned

/svl

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ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY \_\_\_\_\_

**BILZIN SUMBERG BAENA PRICE & AXELROD LLP**

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

200 SOUTH BISCAYNE BOULEVARD, SUITE 2500 • MIAMI, FLORIDA 33131-5340

TELEPHONE: (305) 374-7580 • FAX: (305) 374-7593

E-MAIL: INFO@BILZIN.COM • WWW.BILZIN.COM

*on c-8  
Jan 22  
for S&D  
file.*

**JERRY B. PROCTOR, ESQ., P.A.**

Direct Dial (305) 350-2361

Email: JProctor@Bilzin.com

January 8, 2003

**RECEIVED**  
02265  
JAN 08 2003

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *[Signature]*

**Via Hand Delivery**

Ms. Lynne V. Talleda, Supervisor

Zoning Hearings Section

Miami-Dade County

Department of Planning and Zoning

111 NW 1 Street, Suite 1110

Miami, Florida 33128

Re: S & D Land Development, Inc.  
Zoning Application No. 02-265 (CZAB 8)  
Hearing Date: January 22, 2003

Dear Lynne:

In conjunction with Section 33-311(D) of the Code of Miami-Dade County, enclosed please find the expert report of Ms. Tabitha Fazzino of Creative Land Development Services, Inc., addressing school impact issues for the above-styled application. Please include this information in the official hearing file. Ms. Fazzino will be present at the public hearing to address the impacts of the proposed residential development on the capacities and class sizes at the affected public schools in the area.

Thank you for your cooperation.

Very truly yours,

*[Signature]*

Jerry B. Proctor

JBP:id

cc: Mitchell Friedman  
Tabitha Fazzino  
Terry Rolle, Planning and Zoning Department

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promote development of bypassed infill sites and appropriate compatible redevelopment of underutilized land in the County's Urban Infill Area and vicinity.

- 1E. In conducting its planning, regulatory, capital improvements and intergovernmental coordination activities, Miami-Dade County shall seek to facilitate the planning of residential areas as neighborhoods which include recreational, educational and other public facilities, houses of worship, and safe and convenient circulation of automotive, pedestrian and bicycle traffic.
- 1F. In planning and designing all new residential development and redevelopment in the county, Miami-Dade County shall vigorously promote implementation of the "Guidelines for Urban Form" contained in the "Interpretation of The Land Use Plan Map" text adopted as an extension of these policies.
- 1G. To promote housing diversity and to avoid creation of monotonous developments, Miami-Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning and housing finance activities, among others. In particular, Miami-Dade County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.
- 1H. Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.
- 1I. The County should identify sites having good potential to serve as greenbelts, and should recommend retention and enhancement strategies, where warranted. Such greenbelts should be suggested on the basis of their ability to provide aesthetically pleasing urban spaces, recreational opportunities, or wildlife benefits. Considered sites should include canal, road or powerline rights-of-way, or portions thereof, particularly where they could link other parklands, wildlife habitats, or other open spaces.
- 1J. The County shall consider urban design, water and energy conservation and wildlife habitat when designing sites and selecting landscape material for all public projects.
- 1K. Miami-Dade County will maintain its commitment to improve Community Development Block Grant (CDBG)-eligible areas, and will enhance the County's

from the total indicated by the County plan for the unit area bounded by these roadways. Moreover, maintenance of compatible uses and housing types at local government jurisdictional boundaries is particularly important.

**Housing Variety.** Residential communities having a variety of housing types, such as standard single-family detached homes, zero-lot-lines, townhouse, other single-family attached homes, and multi-family units, are encouraged by this plan. Toward the end, all new residential developments should include housing types which will contribute to the diversity of housing types in the immediate area, and in all instances residential developments exceeding 40 acres in size shall contain more than one of the foregoing housing types.

**Accessory Apartments.** At such time as Miami-Dade County's land development regulations are amended pursuant to Land Use Element Policy No. 9I, accessory apartments are authorized on lots containing single-family residences inside the Urban Development Boundary in accordance with the following conditions: the accessory apartment must be on the same lot and be under the same ownership as the primary residence; the lot must be no smaller than 7,500 square feet in area and have a minimum frontage of 60 feet; the accessory apartment shall range from 300 to 800 square feet in size; and the appearance of the structure(s) containing the primary and accessory units shall maintain an appearance consistent with the character of the neighborhood. The foregoing are minimum requirements; land development regulations adopted pursuant to Land Use Policy 9I may be more restrictive. Accessory apartments provided in accordance with this section shall not be counted toward the LUP map residential density maximum which governs the subject property.

**Uses and Zoning Not Specifically Depicted.** As provided in the previous paragraphs, mixing of different housing types and densities is allowed within certain unit areas. The average gross residential densities depicted on the Land Use Plan map reflect such averaging. They also reflect certain non-residential use sites previously credited in accordance with the section titled "Gross Residential Density" and its predecessor standard.

Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

**Other Potential Uses in Residential Communities.** The uses generally permitted in Residential Communities are listed above under the residential, and gross residential density headings. The establishment of other new uses in residential areas is not allowed; however, under limited circumstances and conditions, some other land uses may be permitted to locate in Residential Communities. These special use situations are

## **Business and Office**

This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code.

Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP - designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs are transferred to Business-designated parcels which are zoned or to be used for residential development the SUR allowances of the Residential section may be used within the limits provided in this paragraph.

**Strips and Nodes.** The plan recognizes existing strip commercial development along many roadways. However, commercial development in newly developing areas is designated as nodes at major intersections. Allocation of commercial development rights among quadrants of such nodes will depend on locational factors, geographic constraints, ownership fragmentation, compatibility with adjacent uses and availability of highway capacity and other public services and facilities.